

720 ILCS 5/ 11-1.20(a)(1)

CRIMINAL SEXUAL ASSAULT

In violation of SECTION 11-1.20(a)(1) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), committed an act of sexual penetration¹ with Dawn Smith in that by the use of force² said defendant placed his penis in the vagina of Dawn Smith.³

¹"sexual penetration" means any contact, however slight, between the sex organ or anus of one person by an object, the sex organ, mouth, or anus of another person, or any intrusion, however slight, of any part of the body of one person or of any animal, or object into the sex organ or anus of another, including, but not limited to cunnilingus, fellatio, or anal penetration; ²or the threat of the use of force; ³or any form of sexual penetration

VERY IMPORTANT: For a discussion concerning the necessity of alleging a defendant's mental state in this type of cause, see **Appendix B.**

SENTENCING NOTE: (b) Sentence. (1) Criminal sexual assault is a Class 1 felony, except that:

(A) A person who is convicted of the offense of criminal sexual assault as defined in paragraph (a)(1) after having previously been convicted of the offense of criminal sexual assault or the offense of exploitation of a child, or who is convicted of the offense of criminal sexual assault as defined in paragraph (a)(1) after having previously been convicted under the laws of this State or any other state of an offense that is substantially equivalent to the offense of criminal sexual assault or to the offense of exploitation of a child, commits a Class X felony for which the person shall be sentenced to a term of imprisonment of not less than 30 years and not more than 60 years, except that if the person is under the age of 18 years at the time of the offense, he or she shall be sentenced under Section 5-4.5-105 of the Unified Code of Corrections. The commission of the second or subsequent offense is required to have been after the initial conviction for this paragraph (A) to apply.

(B) A person who has attained the age of 18 years at the time of the commission of the offense and who is convicted of the offense of criminal sexual assault as defined in paragraph (a)(1) after having previously been convicted of the offense of aggravated criminal sexual assault or the offense of predatory criminal sexual assault of a child, or who is convicted of the offense of criminal sexual assault as defined in paragraph (a)(1) after having previously been convicted under the laws of this State or any other state of an offense that is substantially equivalent to the offense of aggravated criminal sexual assault or the offense of predatory criminal sexual assault of a child shall be sentenced to a term of natural life imprisonment. The commission of the second or subsequent offense is required to have been after the initial conviction for this paragraph (B) to apply. An offender under the age of 18 years at the time of the commission of the offense covered by this subparagraph (B) shall be sentenced under Section 5-4.5-105 of the Unified Code of Corrections. The charging document must state the prior violation. See the **Sentencing Guide** and **Appendix A.**

Legislative History: Laws 1961, p. 1983, § 12-13, added by P.A. 83-1067, § 1, eff. July 1, 1984. Amended by P.A. 83-1117; 85-837; 85-1030; 85-1209; 85-1440; 90-396; 95-640. Renumbered and amended as § 11-1.20 by P.A. 96-1551, Art. 2, § 5, eff. July 1, 2011.

This subsection was amended by Public Act 99-0069. Effective: 1-1-16.

CHARGE: Felony (Class 1)

BOND: Must be Set by Judge

720 ILCS 5/ 11-1.20(a)(2)

CRIMINAL SEXUAL ASSAULT

In violation of SECTION 11-1.20(a)(2) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowing that Dawn Smith was unable to give knowing consent,¹ committed an act of sexual penetration² with Dawn Smith in that the defendant placed his penis in the vagina of Dawn Smith.³

¹or knowing that Dawn Smith was unable to understand the nature of the act; ²or a definition of "sexual penetration" see **Appendix C**; ³or any act of sexual penetration

VERY IMPORTANT: For a discussion concerning the necessity of alleging a defendant's mental state in this type of cause, see **Appendix B**.

SENTENCING NOTE: (b) Sentence. (1) Criminal sexual assault is a Class 1 felony, except that:

(A) A person who is convicted of the offense of criminal sexual assault as defined in paragraph (a)(2) after having previously been convicted of the offense of criminal sexual assault or the offense of exploitation of a child, or who is convicted of the offense of criminal sexual assault as defined in paragraph (a)(2) after having previously been convicted under the laws of this State or any other state of an offense that is substantially equivalent to the offense of criminal sexual assault or to the offense of exploitation of a child, commits a Class X felony for which the person shall be sentenced to a term of imprisonment of not less than 30 years and not more than 60 years, except that if the person is under the age of 18 years at the time of the offense, he or she shall be sentenced under Section 5-4.5-105 of the Unified Code of Corrections. The commission of the second or subsequent offense is required to have been after the initial conviction for this paragraph (A) to apply.

(B) A person who has attained the age of 18 years at the time of the commission of the offense and who is convicted of the offense of criminal sexual assault as defined in paragraph (a)(2) after having previously been convicted of the offense of aggravated criminal sexual assault or the offense of predatory criminal sexual assault of a child, or who is convicted of the offense of criminal sexual assault as defined in paragraph (a)(2) after having previously been convicted under the laws of this State or any other state of an offense that is substantially equivalent to the

offense of aggravated criminal sexual assault or the offense of predatory criminal sexual assault of a child shall be sentenced to a term of natural life imprisonment. The commission of the second or subsequent offense is required to have been after the initial conviction for this paragraph (B) to apply. An offender under the age of 18 years at the time of the commission of the offense covered by this subparagraph (B) shall be sentenced under Section 5-4.5-105 of the Unified Code of Corrections. The charging document must state the prior violation. See the **Sentencing Guide** and **Appendix A**.

Legislative History: Re-numbered by Public Act 96-1551; Eff: 7-1-11.

This subsection was amended by Public Act 99-0069. Effective: 1-1-16.

CHARGE: Felony (Class 1)

BOND: Must be Set by Judge

720 ILCS 5/ 11-1.20(a)(3)

CRIMINAL SEXUAL ASSAULT

In violation of SECTION **11-1.20(a)(3)** of ACT **5** of CHAPTER **720** of the Illinois Compiled Statutes, on **(date of offense)**, in the State of Illinois and the County of **_____**, defendant, **(defendant's name)**, the father¹ of Dawn Smith, committed an act of sexual penetration² with Dawn Smith, who was under 18 years of age when the act was committed, in that said defendant placed his penis in the vagina of Dawn Smith.³

¹or any family member of Dawn Smith; ²for a definition of "sexual penetration" see **Appendix C**; ³or any act of sexual penetration

NOTE: "Family member" means a parent, grandparent, or child, whether by whole blood, half-blood or adoption and includes stepparents, step-grandparents and step-children. Family member also means, where the victim is a child under 18 years of age, an accused who has resided in the household with such child continuously for at least one year. (720 ILCS 5/11-0.1)

VERY IMPORTANT: For a discussion concerning the necessity of alleging a defendant's mental state in this type of cause, see **Appendix B**.

IMPORTANT: This offense contains enhanced penalties for multiple violations. For sentencing and alternative charging information see the **Sentencing Guide**.

Legislative History: Re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Felony (Class 1)

BOND: Must be Set by Judge

720 ILCS 5/ 11-1.20(a)(4)

CRIMINAL SEXUAL ASSAULT

In violation of SECTION 11-1.20(a)(4) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), who was 17 years of age or older and held, as a high school teacher of Dawn Smith, a position of authority¹ in relation to Dawn Smith, committed an act of sexual penetration² with Dawn Smith, who was at least 13 years of age but under 18 years of age when the act was committed, in that said defendant placed his penis in the vagina of Dawn Smith.³

¹or trust or supervision; ²for a definition of "sexual penetration" see Appendix C; ³or any act of sexual penetration

CAVEAT: The term "position of trust, authority or supervision in relation to the victim" is not defined by this statute.

IMPORTANT: For a discussion concerning the necessity of alleging a defendant's mental state in this type of cause, see Appendix B.

IMPORTANT: This offense contains enhanced penalties for multiple violations. For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Felony (Class 1)

BOND: Must be Set by Judge

720 ILCS 5/ 11-1.30(a)(1)

AGGRAVATED CRIMINAL SEXUAL ASSAULT

In violation of SECTION 11-1.30(a)(1) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), while displaying a dangerous weapon,¹ a knife,² committed a criminal sexual assault, in violation of Section 11-1.20(a)(1) of Act 5 of Chapter 720 of the Illinois Compiled Statutes, against Dawn Smith in that by the use of force³ the defendant placed his penis in the vagina of Dawn Smith⁴.

¹or threatening to use a dangerous weapon or any object fashioned or utilized in such a manner as to lead the victim under the circumstances reasonably to believe it to be a dangerous weapon; ²any dangerous weapon other than a firearm; ³or by the threat of the use of force; ⁴or any criminal sexual assault as defined in Section 11-1.20.

CHARGING AND SENTENCING NOTE: (d) Sentence. (1) A violation of subsection (a) (1) is a Class X felony for which 10 years shall be added to the term of imprisonment imposed by the court. An offender under the age of 18 years at the time of the commission of aggravated criminal sexual assault in violation of paragraph (1) of subsection (a) shall be sentenced under Section 5-4.5-105 of the Unified Code of Corrections. (2) A person who has attained the age of 18 years at the time of the commission of the offense and who is convicted of a second or subsequent offense of aggravated criminal sexual assault, or who is convicted of the offense of aggravated criminal sexual assault after having previously been convicted of the offense of criminal sexual assault or the offense of predatory criminal sexual assault of a child, or who is convicted of the offense of aggravated criminal sexual assault after having previously been convicted under the laws of this or any other state of an offense that is substantially equivalent to the offense of criminal sexual assault, the offense of aggravated criminal sexual assault or the offense of predatory criminal sexual assault of a child, shall be sentenced to a term of natural life imprisonment. The commission of the second or subsequent offense is required to have been after the initial conviction for this paragraph (2) to apply. An offender under the age of 18 years at the time of the commission of the offense covered by this paragraph (2) shall be sentenced under Section 5-4.5-105 of the Unified Code of Corrections. The charging document must state the prior violation. See the **Sentencing Guide** and **Appendix A**.

IMPORTANT: For a discussion concerning the necessity of alleging a defendant's mental state in this type of cause, see **Appendix B**.

Legislative History: Created - P.A. 83-1067 (July 1, 1984); Amended - 83-1117, 85-691, 85-1392, 90-396, 90-735 and 91-404. 89-428; 89-462; 92-434; 92-502; 92-721. Renumbered and amended as § 11-1.30 by 96-1551. Amended by 97-227, § 135, Jan. 1, 2012.

This subsection was amended by Public Act 99-0069. Effective: 1-1-16.

CHARGE: Felony (Class X)

BOND: Must be Set by Judge

720 ILCS 5/ 11-1.30(a)(2)

AGGRAVATED CRIMINAL SEXUAL ASSAULT

In violation of SECTION **11-1.30(a)(2)** of ACT **5** of CHAPTER **720** of the Illinois Compiled Statutes, on **(date of offense)**, in the State of Illinois and the County of _____, defendant, **(defendant's name)**, committed a criminal sexual assault, in violation of Section **11-1.20(a)(1)** of Act 5 of Chapter 720 of the Illinois Compiled Statutes, against Dawn Smith in that by the use of force¹ the defendant placed his penis in the vagina of Dawn Smith² and in so doing the defendant caused bodily harm to Dawn Smith by hitting Dawn Smith in the face with his fist.³

¹or by the threat of the use of force; ²or any criminal sexual assault as defined in Section 11-1.30; ³"bodily harm" means physical harm, and includes, but is not limited to sexually transmitted disease, pregnancy and impotence; it does not include great bodily harm, permanent disability, permanent disfigurement or death proximately caused by a firearm personally discharged by the defendant

CHARGING AND SENTENCING NOTE: (d) Sentence. (1) Aggravated criminal sexual assault in violation of paragraph (2) of subsection (a) is a Class X felony. An offender under the age of 18 years at the time of the commission of aggravated criminal sexual assault in violation of paragraph (2) of subsection (a) shall be sentenced under Section 5-4.5-105 of the Unified Code of Corrections. (2) A person who has attained the age of 18 years at the time of the commission of the offense and who is convicted of a second or subsequent offense of aggravated criminal sexual assault, or who is convicted of the offense of aggravated criminal sexual assault after having previously been convicted of the offense of criminal sexual assault or the offense of predatory criminal sexual assault of a child, or who is convicted of the offense of aggravated criminal sexual assault after having previously been convicted under the laws of this or any other state of an offense that is substantially equivalent to the offense of criminal sexual assault, the offense of aggravated criminal sexual assault or the offense of predatory criminal sexual assault of a child, shall be sentenced to a term of natural life imprisonment. The commission of the second or subsequent offense is required to have been after the initial conviction for this paragraph (2) to apply. An offender under the age of 18 years at the time of the commission of the offense covered by this paragraph (2) shall be sentenced under Section 5-4.5-105 of the Unified Code of Corrections. The charging document must state the prior violation. See the **Sentencing Guide** and **Appendix A**.

IMPORTANT: For a discussion concerning the necessity of alleging a defendant's mental state in this type of cause, see **Appendix B**.

IMPORTANT: For sentencing and alternative charging information see the **Sentencing Guide**.

Legislative History: Re-numbered by Public Act 96-1551; Eff: 7-1-11.

This subsection was amended by Public Act 99-0069. Effective: 1-1-16.

CHARGE: Felony (Class X)

BOND: Must be Set by Judge

720 ILCS 5/ 11-1.30(a)(3)

AGGRAVATED CRIMINAL SEXUAL ASSAULT

In violation of SECTION 11-1.20(a)(3) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), committed a criminal sexual assault, in violation of Section 11-1.20(a)(1) of Act 5 of Chapter 720 of the Illinois Compiled Statutes, against Dawn Smith in that, by the use of force¹ the defendant placed his penis in the vagina of Dawn Smith² and in so doing the defendant acted in such a manner so as to threaten³ the life of Dawn Smith⁴ by placing a pillow over the head of Dawn Smith and making it difficult for Dawn Smith to breath.

¹or by the threat of the use of force; ²or any criminal sexual assault as defined in Section 11-1.20; ³or endanger; ⁴or any other person

CHARGING AND SENTENCING NOTE: (d) Sentence. (1) Aggravated criminal sexual assault in violation of paragraph (3) of subsection (a) is a Class X felony. An offender under the age of 18 years at the time of the commission of aggravated criminal sexual assault in violation of paragraph (3) of subsection (a) shall be sentenced under Section 5-4.5-105 of the Unified Code of Corrections. (2) A person who has attained the age of 18 years at the time of the commission of the offense and who is convicted of a second or subsequent offense of aggravated criminal sexual assault, or who is convicted of the offense of aggravated criminal sexual assault after having previously been convicted of the offense of criminal sexual assault or the offense of predatory criminal sexual assault of a child, or who is convicted of the offense of aggravated criminal sexual assault after having previously been convicted under the laws of this or any other state of an offense that is substantially equivalent to the offense of criminal sexual assault, the offense of aggravated criminal sexual assault or the offense of predatory criminal sexual assault of a child, shall be sentenced to a term of natural life imprisonment. The commission of the second or subsequent offense is required to have been after the initial conviction for this paragraph (2) to apply. An offender under the age of 18 years at the time of the commission of the offense covered by this paragraph (2) shall be sentenced under Section 5-4.5-105 of the Unified Code of Corrections. The charging document must state the prior violation. The charging document must state the prior violation. See the **Sentencing Guide** and **Appendix A**.

IMPORTANT: For a discussion concerning the necessity of alleging a defendant's mental state in this type of cause, see **Appendix B**.

ADDED CASE AUTHORITY - - It is unnecessary to allege the exact method by which the sexual assault was committed. (People v. Olivieri.) 334 Ill. App. 3d 311, 778 N. E. 2d 714, 268 N. E. 2d 448 (4th Dist., 2002)

Legislative History: Re-numbered by Public Act 96-1551; Eff: 7-1-11.

This subsection was amended by Public Act 99-0069. Effective: 1-1-16.

CHARGE: Felony (Class X)

BOND: Must be Set by Judge

720 ILCS 5/ 11-1.30(a)(4)

AGGRAVATED CRIMINAL SEXUAL ASSAULT

In violation of SECTION 11-1.30(a)(4) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), during the commission¹ of a burglary,² committed a criminal sexual assault, in violation of Section 11-1.20(a)(1) of Act 5 of Chapter 720 of the Illinois Compiled Statutes, against Dawn Smith in that by the use of force³ the defendant placed his penis in the vagina of Dawn Smith.⁴

¹or attempted commission; ²or any other felony; ³or the threatened use of force; ⁴or any criminal sexual assault as defined in Section 11-1.20

CHARGING AND SENTENCING NOTE: (d) Sentence. (1) Aggravated criminal sexual assault in violation of paragraph (4) of subsection (a) is a Class X felony. An offender under the age of 18 years at the time of the commission of aggravated criminal sexual assault in violation of paragraph (4) of subsection (a) shall be sentenced under Section 5-4.5-105 of the Unified Code of Corrections. (2) A person who has attained the age of 18 years at the time of the commission of the offense and who is convicted of a second or subsequent offense of aggravated criminal sexual assault, or who is convicted of the offense of aggravated criminal sexual assault after having previously been convicted of the offense of criminal sexual assault or the offense of predatory criminal sexual assault of a child, or who is convicted of the offense of aggravated criminal sexual assault after having previously been convicted under the laws of this or any other state of an offense that is substantially equivalent to the offense of criminal sexual assault, the offense of aggravated criminal sexual assault or the offense of predatory criminal sexual assault of a child, shall be sentenced to a term of natural life imprisonment. The commission of the second or subsequent offense is required to have been after the initial conviction for this paragraph (2) to apply. An offender under the age of 18 years at the time of the commission of the offense covered by this paragraph (2) shall be sentenced under Section 5-4.5-105 of the Unified Code of Corrections. The charging document must state the prior violation. See the **Sentencing Guide** and **Appendix A**.

IMPORTANT: For a discussion concerning the necessity of alleging a defendant's mental state in this type of cause, see **Appendix B**.

ADDED CASE AUTHORITY - - It is unnecessary to allege the exact method by which the sexual assault was committed. (People v. Olivieri), 334 Ill. App. 3d 311, 778 N. E. 2d 714, 268 N. E. 2d 448 (4th Dist., 2002)

Legislative History: Re-numbered by Public Act 96-1551; Eff: 7-1-11.

This subsection was amended by Public Act 99-0069. Effective: 1-1-16.

CHARGE: Felony (Class X)

BOND: Must be Set by Judge

720 ILCS 5/ 11-1.30(a)(5)

AGGRAVATED CRIMINAL SEXUAL ASSAULT

In violation of SECTION 11-1.30(a)(5) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), committed a criminal sexual assault, in violation of Section 11-1.20(a)(1) of Act 5 of Chapter 720 of the Illinois Compiled Statutes, against Dawn Smith, who was 60 years of age or older when the act was committed, in that by the use of force¹ the defendant placed his penis in the vagina of Dawn Smith.²

¹or by the threat of the use of force; ²or any criminal sexual assault as defined in Section 11-1.20.

CHARGING AND SENTENCING NOTE: (d) Sentence. (1) Aggravated criminal sexual assault in violation of paragraph (5) of subsection (a) is a Class X felony. An offender under the age of 18 years at the time of the commission of aggravated criminal sexual assault in violation of paragraph (5) of subsection (a) shall be sentenced under Section 5-4.5-105 of the Unified Code of Corrections. (2) A person who has attained the age of 18 years at the time of the commission of the offense and who is convicted of a second or subsequent offense of aggravated criminal sexual assault, or who is convicted of the offense of aggravated criminal sexual assault after having previously been convicted of the offense of criminal sexual assault or the offense of predatory criminal sexual assault of a child, or who is convicted of the offense of aggravated criminal sexual assault after having previously been convicted under the laws of this or any other state of an offense that is substantially equivalent to the offense of criminal sexual assault, the offense of aggravated criminal sexual assault or the offense of predatory criminal sexual assault of a child, shall be sentenced to a term of natural life imprisonment. The commission of the second or subsequent offense is required to have been after the initial conviction for this paragraph (2) to apply. An offender under the age of 18 years at the time of the commission of the offense covered by this paragraph (2) shall be sentenced under Section 5-4.5-105 of the Unified Code of Corrections. The charging document must state the prior violation. See the **Sentencing Guide** and **Appendix A**.

IMPORTANT: For a discussion concerning the necessity of alleging a defendant's mental state in this type of cause, see **Appendix B**.

Legislative History: Re-numbered by Public Act 96-1551; Eff: 7-1-11.

This subsection was amended by Public Act 99-0069. Effective: 1-1-16.

CHARGE: Felony (Class X)

BOND: Must be Set by Judge

720 ILCS 5/ 11-1.30(a)(6)

AGGRAVATED CRIMINAL SEXUAL ASSAULT

In violation of SECTION 11-1.30(a)(6) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), committed a criminal sexual assault, in violation of Section 11-1.20(a)(1) of Act 5 of Chapter 720 of the Illinois Compiled Statutes, against Dawn Smith, a person with a physical disability, in that by the use of force¹ the defendant placed his penis in the vagina of Dawn Smith.²

¹or by the threat of the use of force; ²or any criminal sexual assault as defined in Section 11-1.20.

NOTE: For a definition of “person with a physical disability” see Appendix C.

CHARGING AND SENTENCING NOTE: (d) Sentence. (1) Aggravated criminal sexual assault in violation of paragraph (6) of subsection (a) is a Class X felony. An offender under the age of 18 years at the time of the commission of aggravated criminal sexual assault in violation of paragraph (6) of subsection (a) shall be sentenced under Section 5-4.5-105 of the Unified Code of Corrections. (2) A person who has attained the age of 18 years at the time of the commission of the offense and who is convicted of a second or subsequent offense of aggravated criminal sexual assault, or who is convicted of the offense of aggravated criminal sexual assault after having previously been convicted of the offense of criminal sexual assault or the offense of predatory criminal sexual assault of a child, or who is convicted of the offense of aggravated criminal sexual assault after having previously been convicted under the laws of this or any other state of an offense that is substantially equivalent to the offense of criminal sexual assault, the offense of aggravated criminal sexual assault or the offense of predatory criminal sexual assault of a child, shall be sentenced to a term of natural life imprisonment. The commission of the second or subsequent offense is required to have been after the initial conviction for this paragraph (2) to apply. An offender under the age of 18 years at the time of the commission of the offense covered by this paragraph (2) shall be sentenced under Section 5-4.5-105 of the Unified Code of Corrections. The charging document must state the prior violation. See the Sentencing Guide and Appendix A.

IMPORTANT: For a discussion concerning the necessity of alleging a defendant's mental state in this type of cause, see Appendix B.

Legislative History: Re-numbered by Public Act 96-1551; Eff: 7-1-11.

This subsection was amended by Public Acts 99-0069 and 99-0143. Both effective: 1-1-16.

CHARGE: Felony (Class X)

BOND: Must be Set by Judge

720 ILCS 5/ 11-1.30(a)(7)

AGGRAVATED CRIMINAL SEXUAL ASSAULT

In violation of SECTION 11-1.30(a)(7) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), committed a criminal sexual assault, in violation of Section 11-1.20(a)(2) of Act 5 of Chapter 720 of the Illinois Compiled Statutes,¹ against Dawn Smith in that (describe the particular sexual assault) and as part of the same course of conduct said defendant delivered by injection² to Dawn Smith, without her consent³ and for other than medical purposes, cocaine, a controlled substance.⁴

¹or any criminal sexual assault; ²or by inhalation, ingestion, transfer of possession, or by any other means; ³or by threat or deception; ⁴or any controlled substance

CHARGING AND SENTENCING NOTE: (d) Sentence. (1) Aggravated criminal sexual assault in violation of paragraph (7) of subsection (a) is a Class X felony. An offender under the age of 18 years at the time of the commission of aggravated criminal sexual assault in violation of paragraph (7) of subsection (a) shall be sentenced under Section 5-4.5-105 of the Unified Code of Corrections. (2) A person who has attained the age of 18 years at the time of the commission of the offense and who is convicted of a second or subsequent offense of aggravated criminal sexual assault, or who is convicted of the offense of aggravated criminal sexual assault after having previously been convicted of the offense of criminal sexual assault or the offense of predatory criminal sexual assault of a child, or who is convicted of the offense of aggravated criminal sexual assault after having previously been convicted under the laws of this or any other state of an offense that is substantially equivalent to the offense of criminal sexual assault, the offense of aggravated criminal sexual assault or the offense of predatory criminal sexual assault of a child, shall be sentenced to a term of natural life imprisonment. The commission of the second or subsequent offense is required to have been after the initial conviction for this paragraph (2) to apply. An offender under the age of 18 years at the time of the commission of the offense covered by this paragraph (2) shall be sentenced under Section 5-4.5-105 of the Unified Code of Corrections. The charging document must state the prior violation. See the **Sentencing Guide** and **Appendix A**.

IMPORTANT: This offense contains enhanced penalties for multiple violations. For sentencing and alternative charging information see the **Sentencing Guide**.

Legislative History: Re-numbered by Public Act 96-1551; Eff: 7-1-11.

This subsection was amended by Public Act 99-0069. Effective: 1-1-16.

CHARGE: Felony (Class X)

BOND: Must be Set by Judge

720 ILCS 5/ 11-1.30(a)(8)

AGGRAVATED CRIMINAL SEXUAL ASSAULT

In violation of SECTION 11-1.30(a)(8) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), committed a criminal sexual assault, in violation of Section 11-1.20(a)(1) of Act 5 of Chapter 720 of the Illinois Compiled Statutes, against Dawn Smith in that, by the use of force¹ the defendant placed his penis in the vagina of Dawn Smith² and in so doing the defendant was armed with a firearm.

¹or by the threat of the use of force; ²or any criminal sexual assault as defined in Section 11-1.30.

NOTE: For validity of this offense's sentence enhancement see People v. Hampton, 363 Ill. App. 3d 293 (2006)).

CHARGING AND SENTENCING NOTE: (d) Sentence. (1) A violation of subsection (a) (8) is a Class X felony for which 15 years shall be added to the term of imprisonment imposed by the court. An offender under the age of 18 years at the time of the commission of aggravated criminal sexual assault in violation of paragraph (8) of subsection (a) shall be sentenced under Section 5-4.5-105 of the Unified Code of Corrections. (2) A person who has attained the age of 18 years at the time of the commission of the offense and who is convicted of a second or subsequent offense of aggravated criminal sexual assault, or who is convicted of the offense of aggravated criminal sexual assault after having previously been convicted of the offense of criminal sexual assault or the offense of predatory criminal sexual assault of a child, or who is convicted of the offense of aggravated criminal sexual assault after having previously been convicted under the laws of this or any other state of an offense that is substantially equivalent to the offense of criminal sexual assault, the offense of aggravated criminal sexual assault or the offense of predatory criminal sexual assault of a child, shall be sentenced to a term of natural life imprisonment. The commission of the second or subsequent offense is required to have been after the initial conviction for this paragraph (2) to apply. An offender under the age of 18 years at the time of the commission of the offense covered by this paragraph (2) shall be sentenced under Section 5-4.5-105 of the Unified Code of Corrections. The charging document must state the prior violation. See the Sentencing Guide and Appendix A.

IMPORTANT: For a discussion concerning the necessity of alleging a defendant's mental state in this type of cause, see Appendix B.

Legislative History: Re-numbered by Public Act 96-1551; Eff: 7-1-11.

This subsection was amended by Public Act 99-0069. Effective: 1-1-16.

CHARGE: Felony (Class X)

BOND: Must be Set by Judge

720 ILCS 5/ 11-1.30(a)(9)

AGGRAVATED CRIMINAL SEXUAL ASSAULT

In violation of SECTION 11-1.30(a)(9) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), committed a criminal sexual assault, in violation of Section 11-1.20(a)(1) of Act 5 of Chapter 720 of the Illinois Compiled Statutes, against Dawn Smith in that, by the use of force¹ the defendant placed his penis in the vagina of Dawn Smith² and during the commission of said offense, the defendant personally discharged a firearm.

¹or by the threat of the use of force; ²or any criminal sexual assault as defined in Section 11-1.20.

CHARGING AND SENTENCING NOTE: (d) Sentence. (1) A violation of subsection (a) (9) is a Class X felony for which 20 years shall be added to the term of imprisonment imposed by the court. An offender under the age of 18 years at the time of the commission of aggravated criminal sexual assault in violation of paragraph (9) of subsection (a) shall be sentenced under Section 5-4.5-105 of the Unified Code of Corrections. (2) A person who has attained the age of 18 years at the time of the commission of the offense and who is convicted of a second or subsequent offense of aggravated criminal sexual assault, or who is convicted of the offense of aggravated criminal sexual assault after having previously been convicted of the offense of criminal sexual assault or the offense of predatory criminal sexual assault of a child, or who is convicted of the offense of aggravated criminal sexual assault after having previously been convicted under the laws of this or any other state of an offense that is substantially equivalent to the offense of criminal sexual assault, the offense of aggravated criminal sexual assault or the offense of predatory criminal sexual assault of a child, shall be sentenced to a term of natural life imprisonment. The commission of the second or subsequent offense is required to have been after the initial conviction for this paragraph (2) to apply. An offender under the age of 18 years at the time of the commission of the offense covered by this paragraph (2) shall be sentenced under Section 5-4.5-105 of the Unified Code of Corrections. See the **Sentencing Guide** and **Appendix A**.

IMPORTANT: For a discussion concerning the necessity of alleging a defendant's mental state in this type of cause, see **Appendix B**.

Legislative History: Re-numbered by Public Act 96-1551; Eff: 7-1-11.

This subsection was amended by Public Act 99-0069. Effective: 1-1-16.

CHARGE: Felony (Class X)

BOND: Must be Set by Judge

720 ILCS 5/ 11-1.30(a)(10)

AGGRAVATED CRIMINAL SEXUAL ASSAULT

In violation of SECTION 11-1.30(a)(10) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), committed a criminal sexual assault, in violation of Section 11-1.20(a)(1) of Act 5 of Chapter 720 of the Illinois Compiled Statutes, against Dawn Smith in that, by the use of force¹ the defendant placed his penis in the vagina of Dawn Smith² and during the commission of said offense, the defendant personally discharged a firearm that proximately caused great bodily harm³ to the person of Dawn Smith.⁴

¹or by the threat of the use of force; ²or any criminal sexual assault as defined in Section 11-1.20; ³or permanent disability, permanent disfigurement or death; ⁴or to any other person

CHARGING AND SENTENCING NOTE: A violation of this subsection is a Class X felony for which 25 years or up to a term of natural life imprisonment shall be added to the term of imprisonment imposed by the court. An offender under the age of 18 years at the time of the commission of aggravated criminal sexual assault in violation of paragraph (10) of subsection (a) shall be sentenced under Section 5-4.5-105 of the Unified Code of Corrections. (2) A person who has attained the age of 18 years at the time of the commission of the offense and who is convicted of a second or subsequent offense of aggravated criminal sexual assault, or who is convicted of the offense of aggravated criminal sexual assault after having previously been convicted of the offense of criminal sexual assault or the offense of predatory criminal sexual assault of a child, or who is convicted of the offense of aggravated criminal sexual assault after having previously been convicted under the laws of this or any other state of an offense that is substantially equivalent to the offense of criminal sexual assault, the offense of aggravated criminal sexual assault or the offense of predatory criminal sexual assault of a child, shall be sentenced to a term of natural life imprisonment. The commission of the second or subsequent offense is required to have been after the initial conviction for this paragraph (2) to apply. An offender under the age of 18 years at the time of the commission of the offense covered by this paragraph (2) shall be sentenced under Section 5-4.5-105 of the Unified Code of Corrections. See the **Sentencing Guide** and **Appendix A**.

IMPORTANT: For a discussion concerning the necessity of alleging a defendant's mental state in this type of cause, see **Appendix B**.

IMPORTANT: This offense contains enhanced penalties for multiple violations. For sentencing and alternative charging information see the **Sentencing Guide**.

Legislative History: Re-numbered by Public Act 96-1551; Eff: 7-1-11.

This subsection was amended by Public Act 99-0069. Effective: 1-1-16.

CHARGE: Felony (Class X)

BOND: Must be Set by Judge

720 ILCS 5/ 11-1.30(b)(i)

AGGRAVATED CRIMINAL SEXUAL ASSAULT

In violation of SECTION 11-1.30(b)(i) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), who was under 17 years of age, committed an act of sexual penetration¹ with Dawn Smith, who was under 9 years of age, in that said defendant placed his penis in the vagina of Dawn Smith.²

¹for a definition of "sexual penetration" see Appendix C; ²or any act of sexual penetration

CHARGING AND SENTENCING NOTE: (d) Sentence. (1) Aggravated criminal sexual assault in violation of subsection (b) is a Class X felony. An offender under the age of 18 years at the time of the commission of aggravated criminal sexual assault in violation of subsection (b) shall be sentenced under Section 5-4.5-105 of the Unified Code of Corrections. (2) A person who has attained the age of 18 years at the time of the commission of the offense and who is convicted of a second or subsequent offense of aggravated criminal sexual assault, or who is convicted of the offense of aggravated criminal sexual assault after having previously been convicted of the offense of criminal sexual assault or the offense of predatory criminal sexual assault of a child, or who is convicted of the offense of aggravated criminal sexual assault after having previously been convicted under the laws of this or any other state of an offense that is substantially equivalent to the offense of criminal sexual assault, the offense of aggravated criminal sexual assault or the offense of predatory criminal sexual assault of a child, shall be sentenced to a term of natural life imprisonment. The commission of the second or subsequent offense is required to have been after the initial conviction for this paragraph (2) to apply. An offender under the age of 18 years at the time of the commission of the offense covered by this paragraph (2) shall be sentenced under Section 5-4.5-105 of the Unified Code of Corrections. The charging document must state the prior violation. See Appendix A and the Sentencing Guide for discussion.

IMPORTANT: For a discussion concerning the necessity of alleging a defendant's mental state in this type of cause, see Appendix B.

ADDED CASE AUTHORITY - - This subsection withstands a constitutional attack. In re F.M., 344 Ill. App. 3d 524, 801 N. E. 2d 135, 279 Ill. Dec. 843 (1st Dist., 2003)

Legislative History: Re-numbered by Public Act 96-1551; Eff: 7-1-11.

This subsection was amended by Public Act 99-0069. Effective: 1-1-16.

CHARGE: Felony (Class X)

BOND: Must be Set by Judge

720 ILCS 5/ 11-1.30(b)(ii)

AGGRAVATED CRIMINAL SEXUAL ASSAULT

In violation of SECTION 11-1.30(b)(ii) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), who was under 17 years of age, committed an act of sexual penetration¹ with Dawn Smith, who was at least 9 years of age but under 13 years of age, in that by the use of force,² the defendant placed his penis in the vagina of Dawn Smith.³

¹for a definition of "sexual penetration" see Appendix C; ²or by the threatened use of force; ³or any act of sexual penetration

CHARGING AND SENTENCING NOTE: (d) Sentence. (1) Aggravated criminal sexual assault in violation of subsection (b) is a Class X felony. An offender under the age of 18 years at the time of the commission of aggravated criminal sexual assault in violation of subsection (b) shall be sentenced under Section 5-4.5-105 of the Unified Code of Corrections. (2) A person who has attained the age of 18 years at the time of the commission of the offense and who is convicted of a second or subsequent offense of aggravated criminal sexual assault, or who is convicted of the offense of aggravated criminal sexual assault after having previously been convicted of the offense of criminal sexual assault or the offense of predatory criminal sexual assault of a child, or who is convicted of the offense of aggravated criminal sexual assault after having previously been convicted under the laws of this or any other state of an offense that is substantially equivalent to the offense of criminal sexual assault, the offense of aggravated criminal sexual assault or the offense of predatory criminal sexual assault of a child, shall be sentenced to a term of natural life imprisonment. The commission of the second or subsequent offense is required to have been after the initial conviction for this paragraph (2) to apply. An offender under the age of 18 years at the time of the commission of the offense covered by this paragraph (2) shall be sentenced under Section 5-4.5-105 of the Unified Code of Corrections. The charging document must state the prior violation. See the Sentencing Guide and Appendix A.

IMPORTANT: For a discussion concerning the necessity of alleging a defendant's mental state in this type of cause, see Appendix B.

Legislative History: Re-numbered by Public Act 96-1551; Eff: 7-1-11.

This subsection was amended by Public Act 99-0069. Effective: 1-1-16.

CHARGE: Felony (Class X)

BOND: Must be Set by Judge

720 ILCS 5/ 11-1.30(c)

AGGRAVATED CRIMINAL SEXUAL ASSAULT

In violation of SECTION 11-1.30(c) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), committed an act of sexual penetration¹ with Dawn Smith who was a person with a physical disability² at the time the act was committed, in that the defendant placed his penis in the vagina of Dawn Smith.³

¹for a definition of "sexual penetration" see 11-0.1 and **Appendix C**; ²for a definition of a "person with a physical disability" see **Appendix C**; ³or any act of sexual penetration

CHARGING AND SENTENCING NOTE: (d) Sentence. (1) Aggravated criminal sexual assault in violation of subsection (c) is a Class X felony. An offender under the age of 18 years at the time of the commission of aggravated criminal sexual assault in violation of subsection (c) shall be sentenced under Section 5-4.5-105 of the Unified Code of Corrections. (2) A person who has attained the age of 18 years at the time of the commission of the offense and who is convicted of a second or subsequent offense of aggravated criminal sexual assault, or who is convicted of the offense of aggravated criminal sexual assault after having previously been convicted of the offense of criminal sexual assault or the offense of predatory criminal sexual assault of a child, or who is convicted of the offense of aggravated criminal sexual assault after having previously been convicted under the laws of this or any other state of an offense that is substantially equivalent to the offense of criminal sexual assault, the offense of aggravated criminal sexual assault or the offense of predatory criminal sexual assault of a child, shall be sentenced to a term of natural life imprisonment. The commission of the second or subsequent offense is required to have been after the initial conviction for this paragraph (2) to apply. An offender under the age of 18 years at the time of the commission of the offense covered by this paragraph (2) shall be sentenced under Section 5-4.5-105 of the Unified Code of Corrections. The charging document must state the prior violation. See the **Sentencing Guide** and **Appendix A**.

IMPORTANT: For a discussion concerning the necessity of alleging a defendant's mental state in this type of cause, see **Appendix B**.

Legislative History: Re-numbered by Public Act 96-1551; (Eff: 7-1-11). Amended by Public Act 97-0227. (Effective: 1-1-12) and P. A. 97-1109. (Eff: 1-1-13).

This subsection was amended by Public Acts 99-0069 and 99-0143. Both effective: 1-1-16.

CHARGE: Felony (Class X)

BOND: Must be Set by Judge

720 ILCS 5/ 11-1.40(a)(1)

PREDATORY CRIMINAL SEXUAL ASSAULT OF A CHILD

In violation of SECTION 11-1.40(a)(1) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), who was 17 years of age or older, committed an act of sexual penetration¹ with Dawn Smith², who was under 13 years of age, in that said defendant placed his penis in the vagina of Dawn Smith.³

¹for a definition of "sexual penetration" see Appendix C; ²or an act of contact, however slight between the sex organ or anus of one person and the part of the body of another for the purpose of sexual gratification or arousal of the victim or the accused; ³or any act of sexual penetration or act of contact, however slight between the sex organ or anus of one person and the part of the body of another for the purpose of sexual gratification or arousal of the victim or the accused.

CHARGING AND SENTENCING NOTE: (b) Sentence. (1) A person convicted of a violation of subsection (a)(1) commits a Class X felony, for which the person shall be sentenced to a term of imprisonment of not less than 6 years and not more than 60 years. An offender under the age of 18 years at the time of the commission of predatory criminal sexual assault of a child in violation of subsection (a)(1) shall be sentenced under Section 5-4.5-105 of the Unified Code of Corrections. See the Sentencing Guide and Appendix A.

IMPORTANT: For a discussion concerning the necessity of alleging a defendant's mental state in this type of cause, see Appendix B.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A.s 89-428 (Eff: 12-13-95), 89-462 (Eff: 5-29-96); Amended - P.A.s 90-396, 91-238, 90-735; 91-404, 92-16 & 95-640. Re-numbered by Public Act 96-1551; Eff: 7-1-11; 98-0370, Eff: 1-1-14 and 98-0903, Eff: 8-15-14.

This subsection was amended by Public Act 99-0069. Effective: 1-1-16.

CHARGE: Felony (Class X)

BOND: Must be Set by Judge

720 ILCS 5/ 11-1.40(a)(2)(A)

PREDATORY CRIMINAL SEXUAL ASSAULT OF A CHILD

In violation of SECTION 11-1.40(a)(2)(A) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), who was 17 years of age or older, while armed with a firearm, committed an act of sexual penetration¹ with Dawn Smith², who was under 13 years of age, in that said defendant placed his penis in the vagina of Dawn Smith.³

¹for a definition of "sexual penetration" see **Appendix C**; ²or an act of contact, however slight between the sex organ or anus of one person and the part of the body of another for the purpose of sexual gratification or arousal of the victim or the accused; ³or any act of sexual penetration or act of contact, however slight between the sex organ or anus of one person and the part of the body of another for the purpose of sexual gratification or arousal of the victim or the accused.

CHARGING AND SENTENCING NOTE: (b) Sentence. (1) A person convicted of a violation of subsection (a) (2) (A) commits a Class X felony for which 15 years shall be added to the term of imprisonment imposed by the court. An offender under the age of 18 years at the time of the commission of predatory criminal sexual assault of a child in violation of subsection (a) (2) (A) shall be sentenced under Section 5-4.5-105 of the Unified Code of Corrections. A person who has attained the age of 18 years at the time of the commission of the offense and convicted of predatory criminal sexual assault of a child committed against 2 or more persons regardless of whether the offenses occurred as the result of the same act or of several related or unrelated acts shall be sentenced to a term of natural life imprisonment and an offender under the age of 18 years at the time of the commission of the offense shall be sentenced under Section 5-4.5-105 of the Unified Code of Corrections. A person who has attained the age of 18 years at the time of the commission of the offense and who is convicted of a second or subsequent offense of predatory criminal sexual assault of a child, or who is convicted of the offense of predatory criminal sexual assault of a child after having previously been convicted of the offense of criminal sexual assault or the offense of aggravated criminal sexual assault, or who is convicted of the offense of predatory criminal sexual assault of a child after having previously been convicted under the laws of this State or any other state of an offense that is substantially equivalent to the offense of predatory criminal sexual assault of a child, the offense of aggravated criminal sexual assault or the offense of criminal sexual assault, shall be sentenced to a term of natural life imprisonment. The commission of the second or subsequent offense is required to have been after the initial conviction for this paragraph (2) to apply. An offender under the age of 18 years at the time of the commission of the offense covered by this paragraph (2) shall be sentenced under Section 5-4.5-105 of the Unified Code of Corrections. The charging document must state the prior violation. See the **Sentencing Guide** and **Appendix A**.

IMPORTANT: For a discussion concerning the necessity of alleging a defendant's mental state in this type of cause, see **Appendix B**.

Legislative History: Re-numbered by Public Act 96-1551; Eff: 7-1-11. Amended by Public Acts: 98-0370, Eff: 1-1-14 and 98-0903, Eff: 8-15-14.

This subsection was amended by Public Act 99-0069. Effective: 1-1-16.

CHARGE: Felony (Class X)

BOND: Must be Set by Judge

720 ILCS 5/ 11-1.40(a)(2)(B)

PREDATORY CRIMINAL SEXUAL ASSAULT OF A CHILD

In violation of SECTION 11-1.40(a)(2)(B) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), who was 17 years of age or older, while armed with a firearm, committed an act of sexual penetration¹ with Dawn Smith, who was under 13 years of age, in that said defendant placed his penis in the vagina of Dawn Smith² and during the commission of that offense, said defendant personally discharged a firearm.

¹for a definition of "sexual penetration" see Appendix C; ²or an act of contact, however slight between the sex organ or anus of one person and the part of the body of another for the purpose of sexual gratification or arousal of the victim or the accused; ³or any act of sexual penetration or act of contact, however slight between the sex organ or anus of one person and the part of the body of another for the purpose of sexual gratification or arousal of the victim or the accused.

CHARGING AND SENTENCING NOTE: (b) Sentence. (1) A person convicted of a violation of subsection (a) (2) (B) commits a Class X felony for which 20 years shall be added to the term of imprisonment imposed by the court. An offender under the age of 18 years at the time of the commission of predatory criminal sexual assault of a child in violation of subsection (a) (2) (B) shall be sentenced under Section 5-4.5-105 of the Unified Code of Corrections. A person who has attained the age of 18 years at the time of the commission of the offense and convicted of predatory criminal sexual assault of a child committed against 2 or more persons regardless of whether the offenses occurred as the result of the same act or of several related or unrelated acts shall be sentenced to a term of natural life imprisonment and an offender under the age of 18 years at the time of the commission of the offense shall be sentenced under Section 5-4.5-105 of the Unified Code of Corrections. A person who has attained the age of 18 years at the time of the commission of the offense and who is convicted of a second or subsequent offense of predatory criminal sexual assault of a child, or who is convicted of the offense of predatory criminal sexual assault of a child after having previously been convicted of the offense of criminal sexual assault or the offense of aggravated criminal sexual assault, or who is convicted of the offense of predatory criminal sexual assault of a child after having previously been convicted under the laws of this State or any other state of an offense that is substantially equivalent to the offense of predatory criminal sexual assault of a child, the offense of aggravated criminal sexual assault or the offense of criminal sexual assault, shall be sentenced to a term of natural life imprisonment. The commission of the second or subsequent offense is required to have been after the initial conviction for this paragraph (2) to apply. An offender under the age of 18 years at the time of the commission of the offense covered by this paragraph (2) shall be sentenced under Section 5-4.5-105 of the Unified Code of Corrections. The charging

document must state the prior violation. See the Sentencing Guide and Appendix A.

IMPORTANT: For a discussion concerning the necessity of alleging a defendant's mental state in this type of cause, see Appendix B.

Legislative History: Re-numbered by Public Act 96-1551; Eff: 7-1-11; Amended by Public Acts: 98-0370, Eff: 1-1-14 and 98-0903, Eff: 8-15-14.

This subsection was amended by Public Act 99-0069. Effective: 1-1-16.

CHARGE: Felony (Class X)

BOND: Must be Set by Judge

720 ILCS 5/ 11-1.40(a)(2)(C)(i)

PREDATORY CRIMINAL SEXUAL ASSAULT OF A CHILD

In violation of SECTION 11-1.40(a)(2)(C)(i) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), who was 17 years of age or older, knowingly¹ committed an act of sexual penetration² with Dawn Smith³, who was under 13 years of age, in that said defendant placed his penis in the vagina of Dawn Smith⁴ and that in so doing, the defendant caused great bodily harm to Dawn Smith that resulted in permanent disability.

¹for a definition of "sexual penetration" see Appendix C; ²or an act of contact, however slight between the sex organ or anus of one person and the part of the body of another for the purpose of sexual gratification or arousal of the victim or the accused; ³or any act of sexual penetration or act of contact, however slight between the sex organ or anus of one person and the part of the body of another for the purpose of sexual gratification or arousal of the victim or the accused.

CHARGING AND SENTENCING NOTE: A person who has attained the age of 18 years at the time of the commission of the offense and who is convicted of a violation of subsection (a) (2) (C) commits a Class X felony for which the person shall be sentenced to a term of imprisonment of not less than 50 years or up to a term of natural life imprisonment. An offender under the age of 18 years at the time of the commission of predatory criminal sexual assault of a child in violation of subsection (a) (2) (C) shall be sentenced under Section 5-4.5-105 of the Unified Code of Corrections. A person who has attained the age of 18 years at the time of the commission of the offense and convicted of predatory criminal sexual assault of a child committed against 2 or more persons regardless of whether the offenses occurred as the result of the same act or of several related or unrelated acts shall be sentenced to a term of natural life imprisonment and an offender under the age of 18 years at the time of the commission of the offense shall be sentenced under Section 5-4.5-105 of the Unified Code of Corrections. A person who has attained the age of 18 years at the time of the commission of the offense and who is convicted of a second or subsequent offense of predatory criminal sexual assault of a child, or who is convicted of the offense of predatory criminal sexual assault of a child after having

previously been convicted of the offense of criminal sexual assault or the offense of aggravated criminal sexual assault, or who is convicted of the offense of predatory criminal sexual assault of a child after having previously been convicted under the laws of this State or any other state of an offense that is substantially equivalent to the offense of predatory criminal sexual assault of a child, the offense of aggravated criminal sexual assault or the offense of criminal sexual assault, shall be sentenced to a term of natural life imprisonment. The commission of the second or subsequent offense is required to have been after the initial conviction for this paragraph (2) to apply. An offender under the age of 18 years at the time of the commission of the offense covered by this paragraph (2) shall be sentenced under Section 5-4.5-105 of the Unified Code of Corrections. The charging document must state the prior violation. See the **Sentencing Guide** and **Appendix A**.

IMPORTANT: For a discussion concerning the necessity of alleging a defendant's mental state in this type of cause, see **Appendix B**.

Legislative History: Amended and Re-numbered by Public Act 96-1551; Eff: 7-1-11; Amended by Public Acts: 98-0, Eff: 1-1-14 and 98-0903, Eff: 8-15-14.

This subsection was amended by Public Act 99-0069. Effective: 1-1-16.

CHARGE: Felony (Class X) **BOND:** Must be Set by Judge

720 ILCS 5/ 11-1.40(a)(2)(C)(ii)

PREDATORY CRIMINAL SEXUAL ASSAULT OF A CHILD

In violation of SECTION **11-1.40(a)(2)(C)(ii)** of ACT **5** of CHAPTER **720** of the Illinois Compiled Statutes, on **(date of offense)**, in the State of Illinois and the County of _____, defendant, **(defendant's name)**, who was 17 years of age or older, knowingly¹ committed an act of sexual penetration² with Dawn Smith, who was under 13 years of age, in that said defendant placed his penis in the vagina of Dawn Smith³ and that in so doing, the defendant caused great bodily harm to Dawn Smith that was life threatening.

¹for a definition of "sexual penetration" see **Appendix C**; ²or an act of contact, however slight between the sex organ or anus of one person and the part of the body of another for the purpose of sexual gratification or arousal of the victim or the accused; ³or any act of sexual penetration or act of contact, however slight between the sex organ or anus of one person and the part of the body of another for the purpose of sexual gratification or arousal of the victim or the accused.

CHARGING AND SENTENCING NOTE: A person who has attained the age of 18 years at the time of the commission of the offense and who is convicted of a violation of subsection (a) (2) (C) commits a Class X felony for which the person shall be sentenced to a term of imprisonment of not less than 50 years or up to a term of natural life imprisonment. An offender under the age of 18 years at the time of the commission of predatory criminal sexual assault of a

child in violation of subsection (a) (2) (C) shall be sentenced under Section 5-4.5-105 of the Unified Code of Corrections. A person who has attained the age of 18 years at the time of the commission of the offense and convicted of predatory criminal sexual assault of a child committed against 2 or more persons regardless of whether the offenses occurred as the result of the same act or of several related or unrelated acts shall be sentenced to a term of natural life imprisonment and an offender under the age of 18 years at the time of the commission of the offense shall be sentenced under Section 5-4.5-105 of the Unified Code of Corrections. A person who has attained the age of 18 years at the time of the commission of the offense and who is convicted of a second or subsequent offense of predatory criminal sexual assault of a child, or who is convicted of the offense of predatory criminal sexual assault of a child after having previously been convicted of the offense of criminal sexual assault or the offense of aggravated criminal sexual assault, or who is convicted of the offense of predatory criminal sexual assault of a child after having previously been convicted under the laws of this State or any other state of an offense that is substantially equivalent to the offense of predatory criminal sexual assault of a child, the offense of aggravated criminal sexual assault or the offense of criminal sexual assault, shall be sentenced to a term of natural life imprisonment. The commission of the second or subsequent offense is required to have been after the initial conviction for this paragraph (2) to apply. An offender under the age of 18 years at the time of the commission of the offense covered by this paragraph (2) shall be sentenced under Section 5-4.5-105 of the Unified Code of Corrections. The charging document must state the prior violation. See the **Sentencing Guide** and **Appendix A**.

IMPORTANT: For a discussion concerning the necessity of alleging a defendant's mental state in this type of cause, see **Appendix B**.

Legislative History: Amended and Re-numbered by Public Act 96-1551; Eff: 7-1-11; Amended by Public Acts: 98-0370, Eff: 1-1-14 and 98-0903, Eff: 8-15-14.

This subsection was amended by Public Act 99-0069. Effective: 1-1-16.

CHARGE: Felony (Class X) **BOND:** Must be Set by Judge

720 ILCS 5/ 11-1.40(a)(2)(D)

PREDATORY CRIMINAL SEXUAL ASSAULT OF A CHILD

In violation of SECTION **11-1.40(a)(2)(D)** of ACT **5** of CHAPTER **720** of the Illinois Compiled Statutes, on **(date of offense)**, in the State of Illinois and the County of **_____**, defendant, **(defendant's name)**, who was 17 years of age or older, knowingly¹ committed an act of sexual penetration² with Dawn Smith³, who was under 13 years of age, in that said defendant placed his penis in the vagina of Dawn Smith⁴ and during the same course of conduct the defendant delivered by injection⁵ to Dawn Smith, without her consent⁶ and for other than medical purposes, cocaine, a controlled substance.⁷

¹or intentionally or recklessly; ²for a definition of "sexual penetration" see Appendix C; ³or an act of contact, however slight between the sex organ or anus of one person and the part of the body of another for the purpose of sexual gratification or arousal of the victim or the accused; ⁴or any act of sexual penetration or act of contact, however slight between the sex organ or anus of one person and the part of the body of another for the purpose of sexual gratification or arousal of the victim or the accused. ⁵or by inhalation, ingestion, transfer of possession, or any other mean; ⁶or by threat or deception; ⁷or any controlled substance

CHARGING AND SENTENCING NOTE: A person who has attained the age of 18 years at the time of the commission of the offense and who is convicted of a violation of subsection (a) (2) (D) commits a Class X felony for which the person shall be sentenced to a term of imprisonment of not less than 50 years and not more than 60 years. An offender under the age of 18 years at the time of the commission of predatory criminal sexual assault of a child in violation of subsection (a) (2) (D) shall be sentenced under Section 5-4.5-105 of the Unified Code of Corrections. A person who has attained the age of 18 years at the time of the commission of the offense and convicted of predatory criminal sexual assault of a child committed against 2 or more persons regardless of whether the offenses occurred as the result of the same act or of several related or unrelated acts shall be sentenced to a term of natural life imprisonment and an offender under the age of 18 years at the time of the commission of the offense shall be sentenced under Section 5-4.5-105 of the Unified Code of Corrections. A person who has attained the age of 18 years at the time of the commission of the offense and who is convicted of a second or subsequent offense of predatory criminal sexual assault of a child, or who is convicted of the offense of predatory criminal sexual assault of a child after having previously been convicted of the offense of criminal sexual assault or the offense of aggravated criminal sexual assault, or who is convicted of the offense of predatory criminal sexual assault of a child after having previously been convicted under the laws of this State or any other state of an offense that is substantially equivalent to the offense of predatory criminal sexual assault of a child, the offense of aggravated criminal sexual assault or the offense of criminal sexual assault, shall be sentenced to a term of natural life imprisonment. The commission of the second or subsequent offense is required to have been after the initial conviction for this paragraph (2) to apply. An offender under the age of 18 years at the time of the commission of the offense covered by this paragraph (2) shall be sentenced under Section 5-4.5-105 of the Unified Code of Corrections. The charging document must state the prior violation. See the Sentencing Guide and Appendix A.

IMPORTANT: For a discussion concerning the necessity of alleging a defendant's mental state in this type of cause, see Appendix B.

Legislative History: Amended and Re-numbered by Public Act 96-1551; Eff: 7-1-11; Amended by Public Acts: 98-0370, Eff: 1-1-14 and 98-0903, Eff: 8-15-14.

This subsection was amended by Public Act 99-0069. Effective: 1-1-16.

CHARGE: Felony (Class X)

BOND: Must be Set by Judge

720 ILCS 5/ 11-1.50(a)(1)

CRIMINAL SEXUAL ABUSE

In violation of SECTION 11-1.50(a)(1) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), committed an act of sexual conduct¹ with Dawn Smith in that defendant, by the use of force² knowingly fondled the breast of Dawn Smith³ or the purpose of the sexual arousal⁴ of the defendant.⁵

¹"sexual conduct" means any knowing touching or fondling by the victim or the accused, either directly or through clothing, of the sex organs, anus or breast of the victim or the accused, or any part of the body of a child under 13 years of age, for the purpose of sexual gratification or arousal of the victim or the accused; ²or the threatened use of force; ³or any sexual conduct (see Appendix B); ⁴or gratification; ⁵or the victim

CHARGING AND SENTENCING NOTE: A second or subsequent conviction for a violation of this subsection is a Class 2 felony. For purposes of this Section, it is a second or subsequent conviction if the accused has at any time been convicted under this Section or under any similar statute of this State or any other state for any offense involving sexual abuse or sexual assault that is substantially equivalent to or more serious than the sexual abuse prohibited under this Section. The charging document must state the prior violation. See Appendix A and the Sentencing Guide.

IMPORTANT: This offense contains enhanced penalties for multiple violations. For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 83-1067 (July 1, 1984); Amended - P.A.s 83-1117, 85-651 and 91-389. Renumbered and amended as § 11-1.50 by P.A. 96-1551, Art. 2, § 5, eff. July 1, 2011.

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 5/ 11-1.50(a)(2)

CRIMINAL SEXUAL ABUSE

In violation of SECTION 11-1.50(a)(2) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowing that Dawn Smith was unable to give knowing consent,¹ committed an act of sexual conduct² with Dawn Smith, in that the defendant knowingly fondled the breast of Dawn Smith³ for the purpose of the sexual arousal⁴ of the defendant.⁵

¹or was unable to understand the nature of the act; ²for a definition of "sexual conduct" see Appendix C; ³or any sexual conduct (See Appendix B); ⁴or gratification; ⁵or the victim

CHARGING AND SENTENCING NOTE: A second or subsequent conviction for a violation of this subsection is a Class 2 felony. For purposes of this Section, it is a second or subsequent conviction if the accused has at any time been convicted under this Section or under any similar statute of this State or any other state for any offense involving sexual abuse or sexual assault that is substantially equivalent to or more serious than the sexual abuse prohibited under this Section. The charging document must state the prior violation. See Appendix A and the Sentencing Guide.

IMPORTANT: This offense contains enhanced penalties for multiple violations. For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 5/ 11-1.50(b)

CRIMINAL SEXUAL ABUSE

In violation of SECTION 11-1.50(b) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), who was under 17 years of age, committed an act of sexual penetration¹ with Dawn Smith, who was at least 9 years of age but under 17 years of age, in that said defendant placed his penis in the vagina of Dawn Smith.²

¹or an act of sexual conduct (see Note A); ²or any act of sexual penetration or sexual conduct

NOTE: See Appendix B for discussion of whether when charging sexual conduct, the charging instrument must allege that defendant acted for the purpose of sexual gratification or arousal of the victim or of the defendant.

NOTE: For a definition of "sexual penetration" and "sexual conduct" see Appendix C.

VERY IMPORTANT: For a discussion concerning the necessity of alleging a defendant's mental state in this type of cause, see Appendix B.

IMPORTANT: This offense contains enhanced penalties for multiple violations. For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

720 ILCS 5/ 11-1.50(c)

CRIMINAL SEXUAL ABUSE

In violation of SECTION 11-1.50(c) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), committed an act of sexual penetration¹ with Dawn Smith, who was at least 13 years of age but under 17 years of age when the act was committed, in that the defendant placed his penis in the vagina of Dawn Smith² and the defendant was less than five years older than Dawn Smith.

¹or an act of sexual conduct (see Note A); ²or any sexual penetration or sexual conduct

NOTE: See Appendix B for discussion of whether when charging sexual conduct, the charging instrument must allege that defendant acted for the purpose of sexual gratification or arousal of the victim or of the defendant.

NOTE: For a definition of "sexual penetration" and "sexual conduct" see Appendix C.

IMPORTANT: For a discussion concerning the necessity of alleging a defendant's mental state in this type of cause, see Appendix B.

IMPORTANT: This offense contains enhanced penalties for multiple violations. For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Amended and Re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

720 ILCS 5/ 11-1.60(a)(1)

AGGRAVATED CRIMINAL SEXUAL ABUSE

In violation of SECTION 11-1.60(a)(1) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), while displaying a dangerous weapon,¹ a knife, committed an act of criminal sexual abuse, in violation of Section 11-1.50(a)(1) of Act 5 of Chapter 720 of the Illinois Compiled Statutes, against Dawn Smith in that the defendant by the use of force² knowingly³ fondled the breast of Dawn Smith⁴ for the purpose of the sexual arousal⁵ of the defendant.⁶

¹or threatened to use or used a dangerous weapon or any object fashioned or utilized in such a manner as to lead the victim under the circumstances reasonably to believe it to be a dangerous weapon; ²or by the threat of the use of force; ³or intentionally; ⁴or any act of criminal sexual abuse as defined in subsection (a) of Section 11-1.50 (See Note); ⁵or gratification; ⁶or the victim

NOTE: See Appendix B for discussion of whether, when charging sexual conduct, the charging document must allege that the defendant acted for the purpose of sexual gratification or arousal of the victim or the defendant.

IMPORTANT: This offense contains enhanced penalties for multiple violations. For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 83-1067 (July 1, 1984); Amended - P.A.s 83-1117, 85-651, 85-691, 85-1030, 85-1209, 85-1392, 85-1440, 88-99, 89-586, 90-735 and 92-434. Re-numbered and amended as § 11-1.60 by P.A. 96-1551. Amended by P.A. 97-227, (Jan. 1, 2012).

CHARGE: Felony (Class 2)

BOND: Must be Set by Judge

720 ILCS 5/ 11-1.60(a)(2)

AGGRAVATED CRIMINAL SEXUAL ABUSE

In violation of SECTION 11-1.60(a)(2) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), committed an act of criminal sexual abuse, in violation of Section 11-1.50(a)(1) of Act 5 of Chapter 720 of the Illinois Compiled Statutes, against Dawn Smith in that the defendant, by the use of force,¹ knowingly² fondled the breast of Dawn Smith³ for the purpose of the sexual arousal⁴ of the defendant⁵ and in so doing caused bodily harm to Dawn Smith by hitting Dawn Smith on the head with a brick.

¹or by the threat of the use of force; ²or intentionally; ³or any act of criminal sexual abuse as defined in subsection (a) of Section 11-1.50; ⁴or gratification; ⁵or the victim

NOTE: See Appendix B for discussion of whether, when charging sexual conduct, the charging document must allege that the defendant acted for the purpose of sexual gratification or arousal of the victim or the defendant.

IMPORTANT: This offense contains enhanced penalties for multiple violations. For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Felony (Class 2) **BOND:** Must be Set by Judge

720 ILCS 5/ 11-1.60(a)(3)

AGGRAVATED CRIMINAL SEXUAL ABUSE

In violation of SECTION 11-1.60(a)(3) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), committed an act of sexual conduct¹ with Dawn Smith, a person 60 years of age or over, in that the defendant, by the use of force² intentionally³ fondled the breast of Dawn Smith⁴ for the purpose of the sexual arousal⁵ of the defendant⁶.

¹or any act which would constitute a criminal sexual abuse as defined in subsection (a) of Section 11-1.50 of this code; ²or the threatened use of force; ³or knowing; ⁴or any sexual conduct; ⁵or gratification; ⁶or the victim

NOTE: For a definition of "sexual conduct" see Appendix C.

NOTE: See Appendix B for discussion of whether, when charging sexual conduct, the charging document must allege that the defendant acted for the purpose of sexual gratification or arousal of the victim or the defendant.

IMPORTANT: This offense contains enhanced penalties for multiple violations. For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Amended and Re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Felony (Class 2) **BOND:** Must be Set by Judge

720 ILCS 5/ 11-1.60(a)(4)

AGGRAVATED CRIMINAL SEXUAL ABUSE

In violation of SECTION 11-1.60(a)(4) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), committed an act of sexual conduct¹ with Dawn Smith, a person with a physical disability, in that the defendant, by the use of force² intentionally³ fondled the breast of Dawn Smith⁴ for the purpose of the sexual arousal⁵ of the defendant⁶.

¹or any act which would constitute a criminal sexual abuse as defined in subsection (a) of Section 11-1.50 of this code; ²or the threatened use of force; ³or knowing; ⁴or any sexual conduct; ⁵or gratification; ⁶or the victim

NOTE: For a definition of "sexual conduct" and "person with a physical disability" see **Appendix C**.

NOTE: See **Appendix B** for discussion of whether, when charging sexual conduct, the charging document must allege that the defendant acted for the purpose of sexual gratification or arousal of the victim or the defendant.

IMPORTANT: This offense contains enhanced penalties for multiple violations. For sentencing and alternative charging information see the **Sentencing Guide**.

Legislative History: Amended and Re-numbered by Public Act 96-1551; Eff: 7-1-11.

This subsection was amended by Public Act 99-0143. Effective: 1-1-16.

CHARGE: Felony (Class 2)

BOND: Must be Set by Judge

720 ILCS 5/ 11-1.60(a)(5)

AGGRAVATED CRIMINAL SEXUAL ABUSE

In violation of SECTION 11-1.60(a)(5) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), committed a criminal sexual abuse, in violation of Section 11-1.50(a)(1) of Act 5 of Chapter 720 of the Illinois Compiled Statutes, against Dawn Smith in that, by the use of force¹ the defendant knowingly² fondled the breast of Dawn Smith³ for the purpose of the sexual arousal⁴ of the defendant⁵ and in so doing, the defendant acted in such a manner so as to threaten⁶ the life of Dawn Smith,⁷ by placing a pillow over the head of Dawn Smith and making it difficult for Dawn Smith to breathe.

¹or by the threat of the use of force; ²or intentionally; ³or any act of criminal sexual

abuse as defined in subsection (a) of Section 11-1.50 (See Note); ⁴or gratification; ⁵or the victim; ⁶or endanger; ⁷or any other person

NOTE: See Appendix B for discussion of whether, when charging sexual conduct, the charging document must allege that the defendant acted for the purpose of sexual gratification or arousal of the victim or the defendant.

IMPORTANT: For a discussion concerning the necessity of alleging a defendant's mental state in this type of cause, see Appendix B.

IMPORTANT: This offense contains enhanced penalties for multiple violations. For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Amended and Re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Felony (Class 2)

BOND: Must be Set by Judge

720 ILCS 5/ 11-1.60(a)(6)

AGGRAVATED CRIMINAL SEXUAL ABUSE

In violation of SECTION 11-1.60(a)(6) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), during the commission¹ of a burglary² committed a criminal sexual abuse, in violation of Section 11-1.50(a)(1) of Act 5 of Chapter 720 of the Illinois Compiled Statutes, against Dawn Smith in that, by the use of force³ the defendant knowingly⁴ fondled the breast⁵ of Dawn Smith for the purpose of the sexual arousal⁶ of the defendant.⁷

¹or attempted commission; ²or any other felony; ³or the threatened use of force; ⁴or intentionally; ⁵or any act of criminal sexual abuse as defined in subsection (a) of Section 11-1.50 (See Note); ⁶or gratification; ⁷or the victim

NOTE: See Appendix B for discussion of whether, when charging sexual conduct, the charging document must allege that the defendant acted for the purpose of sexual gratification or arousal of the victim or the defendant.

IMPORTANT: For a discussion concerning the necessity of alleging a defendant's mental state in this type of cause, see Appendix B.

IMPORTANT: This offense contains enhanced penalties for multiple violations. For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Amended and Re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Felony (Class 2)

BOND: Must be Set by Judge

720 ILCS 5/ 11-1.60(a)(7)

AGGRAVATED CRIMINAL SEXUAL ABUSE

In violation of SECTION 11-1.60(a)(7) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), committed a criminal sexual abuse, in violation of Section 11-1.50(a)(2) of Act 5 of Chapter 720 of the Illinois Compiled Statutes,¹ against Dawn Smith in that (describe the particular sexual abuse) and as part of the same course of action said defendant delivered by injection² to Dawn Smith, without her consent³ and for other than medical purposes, cocaine, a controlled substance.⁴

¹or any criminal sexual assault; ²or by inhalation, ingestion, transfer of possession, or by any other means; ³or by threat or deception; ⁴or any controlled substance

NOTE: See Appendix B for discussion of whether, when charging sexual conduct, the charging document must allege that the defendant acted for the purpose of sexual gratification or arousal of the victim or the defendant.

IMPORTANT: This offense contains enhanced penalties for multiple violations. For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Amended and Re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Felony (Class 2)

BOND: Must be Set by Judge

720 ILCS 5/ 11-1.60(c)(1)(i)

AGGRAVATED CRIMINAL SEXUAL ABUSE

In violation of SECTION 11-1.60(c)(1)(i) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), who was 17 years of age or older, committed an act of sexual conduct¹ with Dawn Smith, who was under 13 years of age, in that the defendant intentionally² fondled the breast of Dawn Smith³ for the purpose of the sexual arousal⁴ of the defendant.⁵

¹for a definition of "sexual conduct" see Appendix C; ²or knowingly; ³or any act of sexual conduct; ⁴or gratification; ⁵or the victim

NOTE: See Appendix B for discussion of whether, when charging sexual conduct, the charging

document must allege that the defendant acted for the purpose of sexual gratification or arousal of the victim or the defendant.

IMPORTANT: This offense contains enhanced penalties for multiple violations. For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Amended and Re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Felony (Class 2) **BOND:** Must be Set by Judge

720 ILCS 5/ 11-1.60(c)(1)(ii)

AGGRAVATED CRIMINAL SEXUAL ABUSE

In violation of SECTION 11-1.60(c)(1)(ii) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), who was 17 years of age or older, committed an act of sexual conduct¹ with Dawn Smith, who was at least 13 years of age but under 17 years of age, in that the defendant intentionally,² and by the use of force,³ fondled the breast of Dawn Smith⁴ for the purpose of the sexual arousal⁵ of the defendant⁶.

¹for a definition of "sexual conduct" see Appendix C; ²or knowingly; ³or by the threat of force; ⁴or any act of sexual conduct; ⁵or gratification; ⁶or the victim

NOTE: See Appendix B for discussion of whether, when charging sexual conduct, the charging document must allege that the defendant acted for the purpose of sexual gratification or arousal of the victim or the defendant.

IMPORTANT: This offense contains enhanced penalties for multiple violations. For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Amended and Re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Felony (Class 2) **BOND:** Must be Set by Judge

720 ILCS 5/ 11-1.60(c)(2)(i)

AGGRAVATED CRIMINAL SEXUAL ABUSE

In violation of SECTION 11-1.60(c)(2)(i) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), who was under 17 years of age, committed an act of sexual conduct¹ with Dawn Smith, who was under 9 years of age, in that the defendant intentionally² fondled the breast of Dawn Smith³ for the purpose of the sexual gratification⁴ of the defendant.⁵

¹for the definition of "sexual conduct" see Appendix C; ²or knowingly; ³or any act of sexual conduct; ⁴or arousal; ⁵or the victim

NOTE: See Appendix B for discussion of whether, when charging sexual conduct, the charging document must allege that the defendant acted for the purpose of sexual gratification or arousal of the victim or the defendant.

IMPORTANT: This offense contains enhanced penalties for multiple violations. For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Amended and Re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Felony (Class 2)

BOND: Must be Set by Judge

720 ILCS 5/ 11-1.60(c)(2)(ii)

AGGRAVATED CRIMINAL SEXUAL ABUSE

In violation of SECTION 11-1.60(c)(2)(ii) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), who was under 17 years of age, committed an act of sexual conduct¹ with Dawn Smith, who was at least 9 years of age but under 17 years of age, in that by the use of force² the defendant intentionally³ fondled the breast of Dawn Smith⁴ for the purpose of the sexual gratification⁵ of the defendant.⁶

¹for a definition of "sexual conduct" see Appendix C; ²or by the threat of the use of force; ³or knowingly; ⁴or any act of sexual conduct; ⁵or arousal; ⁶or the victim

NOTE: See Appendix B for discussion of whether, when charging sexual conduct, the charging document must allege that the defendant acted for the purpose of sexual gratification or arousal of the victim or the defendant.

IMPORTANT: This offense contains enhanced penalties for multiple violations. For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Amended and Re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Felony (Class 2)

BOND: Must be Set by Judge

720 ILCS 5/ 11-1.60(d)

AGGRAVATED CRIMINAL SEXUAL ABUSE

In violation of SECTION 11-1.60(d) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), committed an act of sexual penetration¹ with Dawn Smith, who was at least 13 years of age but under 17 years of age, in that the defendant placed his penis in the vagina of Dawn Smith² and the defendant was at least 5 years older than Dawn Smith.

¹or committed an act of sexual conduct (see Note A); ²or any act of sexual penetration

NOTE: See Appendix B for discussion of whether, when charging sexual conduct, the charging document must allege that the defendant acted for the purpose of sexual gratification or arousal of the victim or the defendant.

NOTE: For a definition of "sexual penetration" and "sexual conduct" see Appendix C.

IMPORTANT: For a discussion concerning the necessity of alleging a defendant's mental state in this type of cause, see Appendix B.

IMPORTANT: This offense contains enhanced penalties for multiple violations. For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Amended and Re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Felony (Class 2)

BOND: Must be Set by Judge

720 ILCS 5/ 11-1.60(e)

AGGRAVATED CRIMINAL SEXUAL ABUSE

In violation of SECTION 11-1.60(e) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), committed an act of sexual conduct¹ with Dawn Smith who was a person with a physical disability² in that the defendant intentionally³ fondled the breast of Dawn Smith⁴ for the purpose of the sexual gratification⁵ of the defendant.⁶

¹for a definition of "sexual conduct" see Appendix C; ²for a definition of a "person with a physical disability" see Appendix C; ³or knowingly; ⁴or any act of sexual conduct; ⁵or arousal; ⁶or the victim

NOTE: See Appendix B for discussion of whether, when charging sexual conduct, the charging document must allege that the defendant acted for the purpose of sexual gratification or arousal of the victim or the defendant.

IMPORTANT: This offense contains enhanced penalties for multiple violations. For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Amended and Re-numbered by Public Act 96-1551; (Eff: 7-1-11) and amended by Public Act 97-0227; (Eff: 1-1-12).

This complaint was amended by P. A. 99-0143. (Eff: 1-1-16).

CHARGE: Felony (Class 2)

BOND: Must be Set by Judge

720 ILCS 5/ 11-1.60(f)

AGGRAVATED CRIMINAL SEXUAL ABUSE

In violation of SECTION 11-1.60(f) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), who was 17 years of age or older and held, as a high school teacher of Dawn Smith, a position of authority¹ in relation to Dawn Smith, committed an act of sexual conduct² with Dawn Smith, who was at least 13 years of age but under 18 years of age, in that said defendant intentionally³ fondled the breast of Dawn Smith⁴ for the purpose of the sexual gratification⁵ of the defendant.⁶

¹or of trust or supervision; ²for a definition of "sexual conduct" see Appendix C; ³or knowingly; ⁴or any act of sexual conduct; ⁵or arousal; ⁶or the victim

NOTE: See Appendix B for discussion of whether, when charging sexual conduct, the charging document must allege that the defendant acted for the purpose of sexual gratification or arousal of the victim or the defendant.

CAVEAT: The term "position of trust, authority or supervision in relation to the victim" is not defined by this statute.

IMPORTANT: This offense contains enhanced penalties for multiple violations. For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Felony (Class 2)

BOND: Must be Set by Judge

720 ILCS 5/ 11-6(a)

INDECENT SOLICITATION OF A CHILD

In violation of SECTION 11-6(a) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant’s name), a person of 17 years of age and upwards, with the intent that the offense of aggravated criminal sexual assault¹ be committed, knowingly solicited Dawn Smith, a child under the age of 17 years,² to perform an act of sexual penetration.

¹or criminal sexual assault, predatory criminal sexual assault of a child or aggravated criminal sexual abuse; ²or solicited a person whom he believes to be a child

NOTE: Please note that solicitation to commit a criminal sexual abuse is not now included within this offense.

NOTE: As used in this Section: “Solicit” means to command, authorize, urge, incite, request, or advise another to perform an act by any means including, but not limited to, in person, over the phone, in writing, by computer, or by advertisement of any kind. “Child” means a person under 17 years of age.

NOTE: See Appendix B for discussion of necessity of alleging mental state.

CHARGING NOTE: Indecent solicitation of a child is: (1) a Class 1 felony when the act, if done, would be predatory criminal sexual assault of a child or aggravated criminal sexual assault; (2) a Class 2 felony when the act, if done, would be criminal sexual assault; (3) a Class 3 felony when the act, if done, would be aggravated criminal sexual abuse. See Sentencing Guide.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CONSTITUTIONALITY OF SUBSECTION: The offense of the Indecent Solicitation of a Child withstands a constitutional attack in the case of People v. Ruppenthal, 331 Ill. App. 3d 916, 771 N. E. 2d 1002, 265 Ill. Dec. 43 (1st Dist., May 24, 2002)

Legislative History: Codified - Laws 1961, p.1983 (January 1, 1962); Amended - Laws 1967, p.3510; Laws 1968, p.22; P.A.s 77-2638, 83-1067, 84-160, 84-1280, 89-8, 89-203, 89-428, 89-462, 91-226, 95-143 and 96-1551.

CHARGE: Felony (Class 1)

BOND: Must be Set by Judge

720 ILCS 5/ 11-6(a-5)

INDECENT SOLICITATION OF A CHILD

In violation of SECTION 11-6(a-5) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), a person of the age of 17 years and upwards, with the intent that the offense of aggravated criminal sexual assault¹ be committed, knowingly discussed, by means of the Internet, an act of sexual conduct² with Don Smith, a child.³

¹or aggravated criminal sexual abuse or predatory criminal sexual assault of a child; ²or sexual penetration; ³or one the defendant believes to be a child

NOTE: It is not a defense to this subsection that the person did not solicit the child to perform sexual conduct or sexual penetration with the person. (Subsection (a-6))

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Subsection was created by P. A. 95-143 (Eff: 1-1-08). Amended: 96-1551.

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 5/ 11-6.5(a)(1)(i)

INDECENT SOLICITATION OF AN ADULT

In violation of SECTION 11-6.5(a)(1)(i) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), **knowingly** arranged for Don Smith, a person 17 years of age or over, to commit an act of sexual penetration¹ with Dawn White, a person under the age of 13 years in that (describe the act of sexual penetration¹ arranged by the defendant)

¹as defined by 720 ILCS 5/11-0.1

NOTE: See following complaint for alternative method of charging this offense.

NOTE: See Appendix B for discussion of necessity of alleging mental state.

NOTE: For the purposes of this Section, "arranges" includes but is not limited to oral or written communication and communication by telephone, computer, or other electronic means. "Computer" has the meaning ascribed to it in Section 17-52.5 of this Code.

CHARGING NOTE: Section 11-6.5(a)(1)(ii) concerns a victim 13 years of age or over but under the age of 17 years. A violation of this subsection constitutes a Class 1 felony. See Sentencing Guide.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 88-165 (Eff: 1-1-94); Amended - P.A. 89-203 and 96-1551.

CHARGE: Felony (Class X) **BOND:** Must be Set by Judge

720 ILCS 5/ 11-6.5(a)(2)(i)

INDECENT SOLICITATION OF AN ADULT

In violation of SECTION 11-6.5(a)(2)(i) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly arranged for Don Smith, a person 17 years of age or over, to commit an act of sexual conduct¹ with Dawn White, a person under the age of 13 years, in that (describe the act of sexual conduct¹ arranged by the defendant)

¹as defined by 720 ILCS 5/11-0.1 Caveat: See Appendix B for information concerning allegation of sexual conduct.

NOTE: See prior complaint for alternative method of charging this offense.

NOTE: See Appendix B for discussion of necessity of alleging mental state.

CHARGING NOTE: Section 11-6.5(a)(2)(ii) concerns a victim 13 years of age or over but under the age of 17 years. A violation of this subsection constitutes a Class A misdemeanor. See Sentencing Guide.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 88-165 (Eff: 1-1-94). Re-numbered and amended by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Felony (Class 2) **BOND:** Must be Set by Judge

720 ILCS 5/ 11-6.6(a)

SOLICITATION TO MEET A CHILD

In violation of SECTION 11-6.6(a) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), while using a computer¹ and with the intent to meet Sally Smith, a child², solicited³ Sally Smith to meet him at 123 W. Union Street, Union City, Illinois, without the knowledge of the parents⁴ of Sally Smith and the meeting with Sally Smith was arranged other than for a lawful purpose under Illinois law.

¹or cellular telephone or any other device; ²or a person he or she believes to be a child;

³or enticed, induced, or arranged with; ⁴or guardian.

NOTE: For purposes of this offense, a “child” means a person under 17 years of age and a “computer” has the meaning ascribed to it in Section 16D-2 of this Code.

CHARGING NOTE: If the defendant believes he or she is 5 or more years older than his or her victim, this offense is a Class 4 felony.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created by Public Act 95-0983 (Eff: 6-1-09).

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

720 ILCS 5/ 11-9.1(a-5)

SEXUAL EXPLOITATION OF A CHILD

In violation of SECTION 11-9.1(a-5) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly enticed¹ Dawn Smith, a child under 17 years of age, to remove her clothing for the purpose of the sexual arousal² of said defendant.³

¹or coerced or persuaded; ²or gratification; ³or the child or both

NOTE: "Sex offense" means any violation of Article 11 of this Code as defined in Section 11-0.1 or a violation of Section 12-16.2 of this Code. (720 ILCS 5/11-9.1(b))

SENTENCING NOTE: A sentence of Supervision is no longer available for a misdemeanor violation of this offense. (Public Act 94-169)

CHARGING NOTE: Sexual Exploitation of a Child is a Class 4 felony if committed by a person 18 years of age or older who is on or within 500 feet of elementary or secondary school grounds when children are present on the grounds. A second or subsequent violation of this section or a substantially similar law of another state is a Class 4 felony. Additionally, Sexual Exploitation is a Class 4 felony if the defendant has been previously convicted of a "sex offense" or if the victim is under 13 years of age at the time of the commission of the offense. The charging instrument must state the prior conviction. See the Sentencing Guide and Appendix A for discussion.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Added by 87-1198. Amended by P.A. 91-223; 94-140; 96-1090; 96-1098; 96-1551 and 97-333.

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

720 ILCS 5/ 11-9.1A(a)

PERMITTING THE SEXUAL ABUSE OF A CHILD

In violation of SECTION 11-9.1A(a) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), a person responsible for the welfare of Dawn Brown, a child under the age of 17 years, had actual knowledge of and permitted Don Smith to commit an act of sexual abuse¹ against Dawn Brown, in that Don Smith, by the use of force² intentionally³ fondled the breast⁴ of Dawn Brown, for the purpose of the sexual arousal⁵ of Don Smith.⁶

¹or any act of criminal sexual abuse, criminal sexual assault or predatory criminal sexual assault as defined in subsections 11-1.20, 11-1.30, 11-1.40, 11-1.50, or 11-1.60 of the Criminal Code or knowingly permitted, induced, promoted, or arranged for the child to engage in prostitution as defined in Section 11-14 of the Criminal Code of 1961; ²or the threat of such force; ³or knowingly or recklessly; ⁴or any sexual conduct; ⁵or gratification; ⁶or the victim

NOTE: See Appendix B for discussion on necessity of alleging certain elements of sexual conduct.

NOTE: A person may not be charged with the offense of permitting sexual abuse of a child under this Section until the person who committed the offense is charged with criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, criminal sexual abuse, aggravated criminal sexual abuse, or prostitution. (720 ILCS 5/ 11-9.1A (f))

SENTENCING NOTE: As a condition of any sentence of supervision, probation, conditional discharge, or mandatory supervised release, any person convicted under this Section shall be ordered to undergo child sexual abuse, domestic violence, or other appropriate counseling for a specified duration with a qualified social or mental health worker. (720 ILCS 5/ 11-9.1A (g))

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 85-365 (January 1, 1988); Amended - P.A. 88-680, 89-428, 89-462 and 92-827. Re-numbered and amended by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Felony (Class 1)

BOND: Must be Set by Judge

720 ILCS 5/ 11-9.1B(b)

FAILURE TO REPORT THE SEXUAL ABUSE OF A CHILD

In violation of SECTION 11-9.1B(b) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), personally observed John Smith, a person the defendant knew was over the age of 18 years, commit an act of sexual abuse against Sally Jones, a person the defendant knew was a child, in that said defendant personally observed John Smith (describe the sexual abuse) and said defendant knowingly failed to report the sexual abuse to law enforcement.

DEFINITIONS: For purposes of this offense: "Child" means any person under the age of 13. "Sexual abuse" means any contact, however slight, between the sex organ or anus of the victim or the accused and an object or body part, including but not limited to, the sex organ, mouth, or anus of the victim or the accused, or any intrusion, however slight, of any part of the body of the victim or the accused or of any animal or object into the sex organ or anus of the victim or the accused, including, but not limited to, cunnilingus, fellatio, or anal penetration. Evidence of emission of semen is not required to prove sexual abuse.

CHARGING NOTES: 1) This Section does not apply to a person who makes timely and reasonable efforts to stop the sexual abuse by reporting the sexual abuse in conformance with the Abused and Neglected Child Reporting Act or by reporting the sexual abuse or causing a report to be made, to medical or law enforcement authorities or anyone who is a mandated reporter under Section 4 of the Abused and Neglected Child Reporting Act. 720 ILCS 5/ 11-9.1B(c)
2) A person may not be charged with the offense of failure to report sexual abuse of a child under this Section until the person who committed the offense is charged with criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, criminal sexual abuse, or aggravated criminal sexual abuse. 720 ILCS 5/ 11-9.1B(d)

CHARGING NOTE: A second or subsequent violation is a Class 4 felony. The charging instrument must state prior conviction. See Appendix A.

AFFIRMATIVE DEFENSE: It is an affirmative defense to a charge of failure to report sexual abuse of a child under this Section that the person who personally observed the sexual abuse had a reasonable apprehension that timely action to stop the abuse would result in the imminent infliction of death, great bodily harm, permanent disfigurement, or permanent disability to that person or another in retaliation for reporting.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created by P. A. 98-0370; Eff: 1-1-14.

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

720 ILCS 5/ 11-9.2(a)(1)

CUSTODIAL SEXUAL MISCONDUCT

In violation of SECTION 11-9.2(a)(1) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), an employee of a penal system, the Union City Jail,¹ knowingly² engaged in sexual penetration³ with Dawn Smith, a person who was in the custody of the Union City Jail.

¹for a definition of "penal system" see 720 ILCS 5/11-9.2(g)(2); ²or intentionally or recklessly; ³or sexual conduct

NOTE: This offense may also be committed by an employee of a treatment and detention facility. (720 ILCS 5/11-9.2(a)(2))

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created by Public Act 90-66 (Eff: 7-7-97). Amended - P.A. 90-655, 92-415 and 96-1551.

CHARGE: Felony (Class 3)

BOND: Must be Set by Judge

720 ILCS 5/ 11-9.2(b)

CUSTODIAL SEXUAL MISCONDUCT

In violation of SECTION 11-9.2(b) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), a probation officer,¹ knowingly² engaged in sexual penetration³ with Dawn Smith, a probationer⁴ under the supervisory⁵ authority of the defendant.

¹or a supervising officer or a surveillance agent; ²or intentionally or recklessly; ³or sexual conduct; ⁴or a parolee or release; ⁵or disciplinary or custodial

NOTE: A "probation officer" is defined as any person employed in a probation or court services department as defined in Section 9b of the Probation and Probation Officers Act. (720 ILCS 5/11-9.2(f)(5)) A "supervising officer" is defined as any person employed to supervise persons placed on parole or mandatory supervised release with the duties described in Section 3-14-2 of the Unified Code of Corrections. (720 ILCS 5/11-9.2(f)(6)) A "surveillance agent" means any person employed or contracted to supervise persons placed on conditional release in the community under the Sexually Violent Persons Commitment Act. (720 ILCS 5/11-9.2(f)(7))

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Felony (Class 3)

BOND: Must be Set by Judge

720 ILCS 5/ 11-9.3(a)

UNLAWFUL PRESENCE WITHIN A SCHOOL ZONE

In violation of SECTION 11-9.3(a) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), a child sex offender,¹ was knowingly present in a school building, the Union City High School,² when persons under the age of 18 were present in that school building.³

¹for a definition of "child sex offender" see ILCS 5/11-9.2(c)(1); ²or in any school building, on real property comprising any school, or in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity; ³or on the grounds or in the conveyance

NOTE: See this subsection for very limited exceptions concerning a sex offender who is a parent or guardian of a student.

NOTE: As used in this Section, "school official" means the principal, a teacher, or any other certified employee of the school, the superintendent of schools or a member of the school board. 720 ILCS 5/11-9.3(c)(6)

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created by P.A. 90-234. Amended by P.A. 90-655; 91-911; 94-164; 95-331; 95-440; 95-640; 95-819; 95-876; 96-328; 96-710; Renumbered § 11-9.3 and amended by 96-1551.

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 5/ 11-9.3(a-5)

UNLAWFUL PRESENCE WITHIN A SCHOOL ZONE

In violation of SECTION 11-9.3(a-5) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), a child sex offender, knowingly was present within 100 feet of the corner of 8th Street and West Avenue in Union City, Illinois, a site posted as a pick-up¹ stop for a school bus² owned³ by the Union City School District, and used as a conveyance to transport students to or from school⁴ when one or more persons under the age of 18 years was present at the site.

¹or discharge; ²or any conveyance; ³or leased, or contracted; ⁴or a school related activity

NOTE: "Child sex offender" means any person who: (i) has been charged under Illinois law, or any substantially similar federal law or law of another state, with a sex offense set forth in paragraph (2) of this subsection (d) or the attempt to commit an included sex offense, and the victim is a person under 18 years of age at the time of the offense; and: (A) is convicted of such offense or an attempt to commit such offense; or (B) is found not guilty by reason of insanity of such offense or an attempt to commit such offense; or (C) is found not guilty by reason of insanity pursuant to subsection (c) of Section 104-25 of the Code of Criminal Procedure of 1963 of such offense or an attempt to commit such offense; or (D) is the subject of a finding not resulting in an acquittal at a hearing conducted pursuant to subsection (a) of Section 104-25 of the Code of Criminal Procedure of 1963 for the alleged commission or attempted commission of such offense; or (E) is found not guilty by reason of insanity following a hearing conducted pursuant to a federal law or the law of another state substantially similar to subsection (c) of Section 104-25 of the Code of Criminal Procedure of 1963 of such offense or of the attempted commission of such offense; or (F) is the subject of a finding not resulting in an acquittal at a hearing conducted pursuant to a federal law or the law of another state substantially similar to subsection (a) of Section 104-25 of the Code of Criminal Procedure of 1963 for the alleged violation or attempted commission of such offense; or (ii) is certified as a sexually dangerous person pursuant to the Illinois Sexually Dangerous Persons Act, or any substantially similar federal law or the law of another state, when any conduct giving rise to such certification is committed or attempted against a person less than 18 years of age; or (iii) is subject to the provisions of Section 2 of the Interstate Agreements on Sexually Dangerous Persons Act. Convictions that result from or are connected with the same act, or result from offenses committed at the same time, shall be counted for the purpose of this Section as one conviction.

Any conviction set aside pursuant to law is not a conviction for purposes of this Section.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Subsection was created by Public Act: 96-0440 (Eff: 8-27-07) and amended and re-numbered by P. A. 97-0698. (Eff: 1-1-13).

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 5/ 11-9.3(a-10)

UNLAWFUL COMMUNICATION WITH A CHILD IN A PUBLIC PARK

In violation of SECTION 11-9.3(a-10) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), a child sex offender, was knowingly present on the grounds of the Union City Park,¹ a public park located at 777 West North Street in Union City, Illinois, when Dawn Smith, a person under the age of 18 was present on the grounds of that park¹ and said defendant communicated with² Dawn Smith in that (describe the defendant's actions).

¹or any public park building or a playground or recreation area within any publicly accessible privately owned building; ²or approached or contacted

DEFINITIONS: For a definition of "child sex offender," "sex offense," or "public park" see subsection (d) of this Section and Appendix C.

CAVEATE: The last phrase of this subsection seems to create an affirmative defense where the defendant is a parent or guardian of a person under 18 present in the park. It is unclear whether this is, in fact, an affirmative defense or an element of the offense. If you believe it is an element of the offense, you must allege and prove that the defendant was not such a person.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CONSTITUTIONALITY: The constitutionality of this subsection is upheld in the following case: People v. Diestelhorst, 344 Ill. App. 3d 1172, (Ill. App. 5th Dist., 2003)

Legislative History: Created by Public Act 91-458 (Eff: 1-1-00). Re-numbered by Public Act 96-1551; Eff: 7-1-11 and amended by P. A. 98-0266. Eff: 1-1-14.

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 5/ 11-9.3(b)

UNLAWFUL LOITERING WITHIN A SCHOOL ZONE

In violation of SECTION 11-9.3(b) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), a child sex offender¹ knowingly loitered² within 500 feet of a school building, the Union City High School³ while persons under the age of 18 years were present in that school building.⁴

¹for a definition of "child sex offender" see 720 ILCS 5/11-9.2(c)(1); ²for a definition of "loiter" see 720 ILCS 5/11-9.2(c)(5); ³or any school building or the real property comprising any school; ⁴or on the school grounds.

NOTE: See this subsection for very limited exceptions concerning a sex offender who is a parent or guardian of a student.

NOTE: As used in this Section, "school official" means the principal, a teacher, or any other certified employee of the school, the superintendent of schools or a member of the school board. (720 ILCS 5/11-9.3(c)(6))

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created by Public Act 90-234 (Eff: 1-1-98). Amended - P.A. 91-356; 94-158 and 94-170.

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 5/ 11-9.3(b-2)

UNLAWFUL LOITERING NEAR A PUBLIC PARK

In violation of SECTION 11-9.3(b-2) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), a child sex offender, knowingly loitered on a public way within 500 feet of the Union City Park, a public park located at 777 West North Street in Union City, Illinois, while Dawn Smith, a person under the age of 18, was present on the grounds¹ of that part and said defendant communicated² with Dawn Smith in that (describe the act of communication).

¹or any public park building; ²or approached or contacted

NOTE: For a definition of "child sex offender," "sex offense," or "public park" see subsection (d) of this Section.

NOTE: The last phrase of this subsection seems to create an affirmative defense where the defendant is a parent or guardian of a person under 18 present in the park. It is unclear whether this is, in fact, an affirmative defense or an element of the offense. If you believe it is an element of the offense, you must allege and prove that the defendant was not such a person.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created by Public Act 91-458 (Eff: 1-1-00). Re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Felony (Class 4) **BOND:** Must be Set by Judge

720 ILCS 5/ 11-9.3(b-2)

UNLAWFUL LOITERING NEAR A PUBLIC PARK

In violation of SECTION 11-9.3(b-2) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant’s name), a child sex offender, knowingly loitered on a public way within 500 feet of the Union City Park, a public park located at 777 West North Street in Union City, Illinois, while Dawn Smith, a person under the age of 18, was present on the grounds¹ of that part and said defendant communicated² with Dawn Smith in that (describe the act of communication).

¹or any public park building; ²or approached or contacted

NOTE: For a definition of "child sex offender," "sex offense," or "public park" see subsection (d) of this Section.

NOTE: The last phrase of this subsection seems to create an affirmative defense where the defendant is a parent or guardian of a person under 18 present in the park. It is unclear whether this is, in fact, an affirmative defense or an element of the offense. If you believe it is an element of the offense, you must allege and prove that the defendant was not such a person.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created by Public Act 91-458 (Eff: 1-1-00). Re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Felony (Class 4) **BOND:** Must be Set by Judge

720 ILCS 5/ 11-9.3(b-10)

UNLAWFUL RESIDENCY OF A CHILD SEX OFFENDER

In violation of SECTION 11-9.3(b-10) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), a child sex offender, knowingly resided within 500 feet of a playground¹ located at 777 W. North Street, Union City, Illinois.

¹or child care institution, day care center, part-day child care facility, day care home, group day care home or a facility providing programs or services exclusively directed toward persons under the age of 18 years

NOTE: For purposes of this subsection, a "playground" means a piece of land owned or controlled by a unit of local government that is designated by that unit of local government for use solely or primarily for children's recreation.

NOTE: Nothing in this subsection prohibits a child sex offender from residing within 500 feet of a playground or child care institution, day care center, part-day child care facility, day care home, group day care home, or a facility providing programs or services exclusively directed toward persons under the age of 18 that persons under 18 years of age attend if the property was owned by the child sex offender and was purchased before the effective date of these amendatory acts that created these restrictions.

NOTE: For purposes of this Section, the 500 feet distance shall be measured from the edge of the property of the school building or the real property comprising the school that is closest to the edge of the property of the child sex offender's residence or where he or she is loitering.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created by P.A. 91-911 (Eff: 7-7-00). Amended: P. As. 94-925; 95-819 (Eff: 1-1-09) and 95-821 (Eff: 8-14-08). Re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 5/ 11-9.3(b-15)

UNLAWFUL RESIDENCY OF A CHILD SEX OFFENDER

In violation of SECTION 11-9.3(b-15) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), a child sex offender, knowingly resided within 500 feet of Dawn Smith, the victim of the¹ sex offense.

¹the statute uses the word "the" rather than the word "his." It is unclear whether the Legislature intended to limit the scope of this offense to only the victims of the defendant's sex offenses.

NOTE: Nothing in this subsection prohibits a child sex offender from residing within 500 feet of the victim if the property in which the child sex offender resides is owned by the child sex offender and was purchased before the effective date of the amendatory act that created this offense. Also, this section does not apply if the victim of the sex offense is 21 years of age or older.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created by P.A. 92-828. (Eff: 8-22-02). Re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 5/ 11-9.3(b-20)

UNLAWFUL COMMUNICATION BY A CHILD SEX OFFENDER

In violation of SECTION 11-9.3(b-20) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), a child sex offender, knowingly communicated, other than for a lawful purpose under Illinois law, using the Internet¹ with Sally Smith, a person under 18 years of age² and said defendant was not the parent or guardian of Sally Smith.

¹or any other digital media; ²or with a person whom the defendant believes to be under 18 years of age

NOTE: For a definition of "Internet" see Appendix C of this publication.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This Subsection was created by Public Act 95-0983 (Eff: 6-1-09). Re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 5/ 11-9.3(c)

UNLAWFUL ASSOCIATION BY A CHILD SEX OFFENDER

In violation of SECTION 11-9.3(c) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), a child sex offender, knowingly served as a volunteer worker¹ for Union City Youth Fellowship Service² a facility providing programs³ exclusively directed towards persons under the age of 18.

¹or operated, managed, was associated with, was employed by or knowingly be present at any: (i) facility providing programs or services exclusively directed towards persons under the age of 18; (ii) day care center; (iii) part-day child care facility; (iv) child care institution, or (v) school providing before and after school programs for children under 18 years of age; ²or any facility providing programs or services exclusively directed towards persons under the age of 18; ³or services

NOTE: For a definition of "child sex offender" and "sex offense" see subsection (d) of this Section.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This complaint was re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Felony (Class 4)

BOND: Must be set by Judge

720 ILCS 5/ 11-9.3(c-2)

UNLAWFUL PARTICIPATION IN A HOLIDAY EVENT BY A CHILD SEX OFFENDER

In violation of SECTION 11-9.3(c-2) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), a Child Sex Offender, knowing¹ was employed at the Union City Mall in Union, Illinois as a department store Santa Claus².

¹or intentionally or recklessly; ²distributed candy or other items to children on Halloween, wore a Santa Claus costume on or preceding Christmas or wore an Easter Bunny costume on or preceding Easter.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created by Public Act: 97-0599 (Eff: 1-1-013).

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 5/ 11-9.3(c-5)

UNLAWFUL ASSOCIATION BY A CHILD SEX OFFENDER

In violation of SECTION 11-9.3(c-5) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), a Child Sex Offender, knowing was employed at¹ the Union County Fair² in Union, Illinois when persons under the age of 18 were present.

¹or operated, managed, or was associated with; ²any County Fair

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This subsection was created by Public Act: 95-32 (Eff: 1-1-08) and Re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 5/ 11-9.3(c-6)

UNLAWFUL ASSOCIATION BY A CHILD SEX OFFENDER

In violation of SECTION 11-9.3(c-6) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), a Child Sex Offender who owns and resides in residential real estate located at 777 W. Union Street, Union City, Illinois, knowing rented a residential unit within the same building in which he¹ resides to a person who is a parent² of a child³ under 18 years of age.

¹or she; ²or guardian; ³or children

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This subsection was created by Public Act: 95-820 (Eff: 1-1-09) and Re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 5/ 11-9.3(c-7)

UNLAWFUL ASSOCIATION BY A CHILD SEX OFFENDER

In violation of SECTION 11-9.3(c-7) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), a Child Sex Offender, knowing offered¹ a program² to persons under 18 years of age in his³ residence⁴, to wit (describe the program²).

¹or provided; ²or service; ³or her; ⁴or the residence of another or in any facility for the purpose of offering or providing such programs or services, whether such programs or services are offered or provided by contract, agreement, arrangement, or on a volunteer basis.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This subsection was created by Public Act: 95-821 (Eff: 8-14-08) and Re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 5/ 11-9.3(c-8)

UNLAWFUL ASSOCIATION BY A CHILD SEX OFFENDER

In violation of SECTION 11-9.3(c-8) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), a Child Sex Offender, knowing operated an ice cream truck¹.

¹or any vehicle which is specifically designed, constructed, or modified and equipped to be used for the retail sale of food or beverages; or an authorized emergency vehicle; or a rescue vehicle.

NOTE: Whether or not the defendant is authorized to operate such a vehicle is irrelevant.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This subsection was created by Public Act: 96-0118 (Eff: 8-4-09) and Re-numbered by Public Act 96-1551; (Eff: 7-1-11).

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 5/ 11-9.4-1(b)

UNLAWFUL PRECENCE OF A CHILD SEX OFFENDER IN A PUBLIC PARK

In violation of SECTION 11-9.4-1(b) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), a Child Sex Offender¹, was knowingly present in the Union City Public Park² in Union, Illinois.

¹or a Sexual Predator ²or in any public park or on real property comprising any public park.

DEFINITIONS: For the purposes of this Section: "Child sex offender" has the meaning ascribed to it in subsection (d) of Section 11-9.3 of this Code, but does not include as a sex offense under paragraph (2) of subsection(d) of Section 11-9.3 the offenses under subsections (b) and (c) of Section 12-15 of this Code. "Public park" includes a park, forest preserve, or conservation area under the jurisdiction of the State or a unit of local government. "Sexual predator" has the meaning ascribed to it in subsection (E) of Section 2 of the Sex Offender Registration Act.

CHARGING NOTE: A second or subsequent violation of this subsection is a Class 4 felony. The charging instrument must state prior conviction. See Appendix A.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created by Public Act: 96-1099 (Eff: 1-1-11) and amended by P. A. 97-1109. (Eff: 1-1-13).

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

720 ILCS 5/ 11-9.4-1(c)

UNLAWFUL LOITERING OF A CHILD SEX OFFENDER IN A PUBLIC PARK

In violation of SECTION 11-9.4-1(c) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), a Child Sex Offender¹, was knowingly loitered on a public way within 500 feet of the Union City Public Park² in Union, Illinois.

¹or a Sexual Predator ²or in any public park or on real property comprising any public park.

NOTE: For the purposes of this Section: "Child sex offender" has the meaning ascribed to it in subsection (d) of Section 11-9.4 of this Code, but does not include as a sex offense under paragraph (2) of subsection(d) of Section 11-9.4, the offenses under subsections (b) and (c) of Section 12-15 of this Code. "Public park" includes a park, forest preserve, or conservation area under the jurisdiction of the State or a unit of local government. "Loiter" means: (i) standing, sitting idly, whether or not the person is in a vehicle or remaining in or around public park property; or (ii) standing, sitting idly, whether or not the person is in a vehicle or remaining in or around public park property, for the purpose of committing or attempting to commit a sex offense. "Sexual predator" has the meaning ascribed to it in subsection (E) of Section 2 of the Sex Offender Registration Act.

CHARGING NOTE: A second or subsequent violation of this subsection is a Class 4 felony. The charging instrument must state prior conviction. See Appendix A.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This subsection was created by Public Act: 96-1099 (Eff: 1-1-11).

CHARGE: Misdemeanor (Class A) **BOND:** \$1,500

720 ILCS 5/ 11-9.5(b)(2)

SEXUAL MISCONDUCT WITH A PERSON WITH A DISABILITY

In violation of SECTION 11-9.5(b)(2) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), an employee of the Union County Care Center, a community agency, ¹ knowingly engaged in an act of sexual conduct² with Dawn Smith, a person with a disability who is in a residential program operated³ by a community agency.

¹a "community agency" means any community entity or program providing residential mental health or developmental disabilities services that is licensed, certified, or funded by the Department of Human services and not licensed or certified by any other human service agency of the State such as the Departments of Public Health, Healthcare and Family Services, and Children and Family Services. (720 ILCS 5/11-9.5(a)(3); ²or sexual penetration; ³or supervised

NOTE: This offense may also be committed when an "employee" (as defined by 720 ILCS 5/11-9.5(a)(5) knowingly engages in sexual conduct or sexual penetration with a person with a disability who is under the care and custody of the Illinois Department of Human Services at a State-operated facility. (720 ILCS 5/11-9.5(b)(1))

NOTE: A "Person with a disability" means: (i) a person diagnosed with a developmental disability as defined in Section 1-106 of the Mental Health and Developmental Disabilities Code; or (ii) a person diagnosed with a mental illness as defined in Section 1-129 of the Mental Health and Developmental Disabilities Code. "State-operated facility" means: (i) a developmental disability facility as defined in the Mental Health and Developmental Disabilities Code; or (ii) a mental health facility as defined in the Mental Health and Developmental Disabilities Code. "Care and custody" means admission to a State-operated facility. "Employee" means: (i) any person employed by the Illinois Department of Human Services; (ii) any person employed by a community agency providing services at the direction of the owner or operator of the agency on or off site; or (iii) any person who is a contractual employee or contractual agent of the Department of Human Services or the community agency. This includes but is not limited to payroll personnel, contractors, subcontractors, and volunteers. "Sexual conduct" or "sexual penetration" means any act of sexual conduct or sexual penetration as defined in Section 11-0.1 of this Code.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created by Public Act: 94-1053 (Eff: 7-24-06). Amended by P.A. 96-1551 (Eff. July 1, 2011).

CHARGE: Felony (Class 3)

BOND: Must be Set by Judge

720 ILCS 5/ 11-11(a)

SEXUAL RELATIONS WITHIN FAMILIES

In violation of SECTION 11-11(a) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowing Dawn Smith to be his sister,¹ knowingly² committed an act of sexual penetration with Dawn Smith, in that the defendant placed his penis in the vagina of Dawn Smith.³

¹or (i) Brother or sister, either of the whole blood or the half blood; or (ii) Father or mother, when the child, regardless of legitimacy and regardless of whether the child was of the whole blood or half-blood or was adopted, was 18 years of age or over when the act was committed; or (iii) Stepfather or stepmother, when the stepchild was 18 years of age or over when the act was committed; or (iv) Aunt or uncle, when the niece or nephew was 18 years of age or over when the act was committed; or (v) Great-aunt or great-uncle, when the grand-niece or grand-nephew was 18 years of age or over when the act was committed; or (vi) Grandparent or step-grandparent, when the grandchild or step-grandchild was 18 years of age or over when the act was committed. ²or intentionally or recklessly; ³or any act of sexual penetration as defined in 720 ILCS 5/11-0.1 (describe the act)

NOTE: See Appendix B for discussion of necessity of alleging mental state.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Codified (as "Incest") - Laws 1961, p.1983; Amended - P.A.s 77-2638, 80-647, 83-1067, 83-1117, 84-1280, 96-233 and 96-1551 (Effective: 7-1-11).

CHARGE: Felony (Class 3)

BOND: Must be Set by Judge

720 ILCS 5/ 11-14(a)

PROSTITUTION

In violation of SECTION 11-14(a) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, **(defendant's name)**, knowingly agreed with Don Smith to perform¹ an act of sexual penetration², by placing her mouth on the sex organ of Don Smith, for money, \$20 United States currency³.

¹or offered to perform or performed; ²or any touching or fondling of the sex organs of one person by another person, for money, property, token, object, or article, or anything of value, for the purpose of sexual arousal or gratification; ³or anything of value

CHARGING NOTE: If it is determined, after a reasonable detention for investigative purposes, that a person suspected of or charged with a violation of this Section is a person under the age of 18, that person shall be immune from prosecution for a prostitution offense under this Section, and shall be subject to the temporary protective custody provisions of Sections 2-5 and 2-6 of the Juvenile Court Act of 1987.

CHARGING NOTE: It is an affirmative defense to a charge under this Section that the accused engaged in or performed prostitution as a result of being a victim of involuntary servitude or trafficking in persons as defined in Section 10-9 of this Code.

DEFINITION: For a definition of sexual penetration see Section 11-0.1 of this Code and Appendix C.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CONSTITUTIONALITY: This subsection withstands a constitutional attack in the following case: People v. Hill, 333 Ill. App. 3d 783, 776 N. E. 2d 828, 267 Ill. Dec. 456 (Ill. App. 2nd Dist., 2002)

Legislative History: Codified - Laws 1961, p.1983 (January 1, 1962); Amended - P.A.s 77-2638, 83-1067, 84-787, 84-1006, 84-1308, 85-1447, 91-274, 91-498, 96-1464, 96-1551 (Effective: 7-1-11) and by P. A. 98-0538; Eff: 8-23-13.

This subsection was amended by Public Act 99-0109. Effective: 7-22-15.

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

720 ILCS 5/ 11-14.1(a)

SOLICITATION OF A SEXUAL ACT

In violation of SECTION 11-14.1(a) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, **(defendant's name)**, offered Dawn Smith, a person not his spouse, \$50¹ to perform sexual intercourse² with the defendant.

¹or any money, property, token, object, or article or anything of value for that person or any other person not his or her spouse; ²or to perform any act of sexual penetration as defined in Section 11-0.1 of this Code, or any touching or fondling of the sex organs of one person by another person for the purpose of sexual arousal or gratification.

VEHICLE IMPOUNDMENT: In addition to any other penalty provided by law, a peace officer who arrests a person for a violation of this Section may tow and impound any vehicle used by the person in the commission of the offense. The person arrested for such a violation shall be charged a \$1,000 fee, to be paid to the unit of government that made the arrest. The person may recover the vehicle from impound after a minimum of 2 hours after arrest upon payment of the fee. (720 ILCS 5/36.5-5)

CHARGING NOTE: Solicitation of a sexual act from a person who is under the age of 18 or who is a person with a severe or profound intellectual disability is a Class 4 felony. However, it is an affirmative defense to a charge of solicitation of a sexual act with a person who is under the age of 18 or who is a person with a severe or profound intellectual disability that the accused reasonably believed the person was of the age of 18 years or over or was not a person with a severe or profound intellectual disability at the time of the act giving rise to the charge. Subsection (b)

AFFIRMATIVE DEFENSE: It is an affirmative defense to a charge of solicitation of a sexual act with a person who is under the age of 18 or who is a person with a severe or profound intellectual disability that the accused reasonably believed the person was of the age of 18 years or over or was not a person with a severe or profound intellectual disability at the time of the act giving rise to the charge. Subsection (b-5)

IMPORTANT: For sentencing and alternative charging information see the **Sentencing Guide**.

Legislative History: Created - P.A. 88-325 (January 1, 1994); Amended by Public Act 97-0227. (Effective: 1-1-12.)

This subsection was amended by Public Act 99-0143. Effective: 1-1-16.

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

720 ILCS 5/ 11-14.3(a)(1)

PROMOTING PROSTITUTION

In violation of SECTION 11-14.3(a)(1) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), advanced prostitution in that (describe the defendant's acts of advancement)¹

¹any act of advancement of prostitution as defined in Section 11-0.1 of this Code.

CHARGING NOTE: A violation of subdivision (a)(1) is a Class 4 felony, unless committed within 1,000 feet of real property comprising a school, in which case it is a Class 3 felony. A second or subsequent violation of subdivision (a)(1), or any combination of convictions under subdivision (a)(1), (a)(2)(A), or (a)(2)(B) and Section 11-14 (prostitution), 11-14.1 (solicitation of a sexual act), 11-14.4 (promoting juvenile prostitution), 11-15 (soliciting for a prostitute), 11-15.1 (soliciting for a juvenile prostitute), 11-16 (pandering), 11-17 (keeping a place of prostitution), 11-17.1 (keeping a place of juvenile prostitution), 11-18 (patronizing a prostitute), 11-18.1 (patronizing a juvenile prostitute), 11-19 (pimping), 11-19.1 (juvenile pimping or aggravated juvenile pimping), or 11-19.2 (exploitation of a child), is a Class 3 felony. The charging document must state the prior violation. See Appendix A and the Sentencing Guide for discussion.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created by Public Act 96-1551; (Effective: 7-1-11.)

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 5/ 11-14.3(a)(2)(A)

PROMOTING PROSTITUTION

In violation of SECTION 11-14.3(a)(2)(A) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), advanced prostitution in that said defendant profited from prostitution by compelling Dawn Smith to become a prostitute.

CHARGING NOTE: A violation of subdivision (a)(2)(A) or (a)(2)(B) is a Class 4 felony, unless committed within 1,000 feet of real property comprising a school, in which case it is a Class 3 felony.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created by Public Act 96-1551; (Effective: 7-1-11.)

CHARGE: Felony (Class 4) **BOND:** Must be Set by Judge

720 ILCS 5/ 11-14.3(a)(2)(B)

PROMOTING PROSTITUTION

In violation of SECTION 11-14.3(a)(2)(B) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant’s name), advanced prostitution in that said defendant profited from prostitution by arranging¹ a situation in which Dawn Smith could practice prostitution.

¹or offered to arrange.

CHARGING NOTE: A violation of subdivision (a)(2)(A) or (a)(2)(B) is a Class 4 felony, unless committed within 1,000 feet of real property comprising a school, in which case it is a Class 3 felony.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created by Public Act 96-1551; (Effective: 7-1-11.)

CHARGE: Felony (Class 4) **BOND:** Must be Set by Judge

720 ILCS 5/ 11-14.3(a)(2)(C)

PROMOTING PROSTITUTION

In violation of SECTION 11-14.3(a)(2)(C) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant’s name), advanced prostitution in that said defendant profited from prostitution by obtaining money from Bob White, a person who patronized Dawn Smith, a prostitute¹.

¹any means other than those described in subparagraph (A) or (B), including from a person who patronizes a prostitute.

NOTE: This paragraph (C) does not apply to a person engaged in prostitution who is under 18 years of age. A person cannot be convicted of promoting prostitution under this paragraph (C) if the practice of prostitution underlying the offense consists exclusively of the accused's own acts of prostitution under Section 11-14 of this Code.

CHARGING NOTE: A violation of subdivision (a)(2)(C) is a Class 4 felony, unless committed within 1,000 feet of real property comprising a school, in which case it is a Class 3 felony. A second or subsequent violation of subdivision (a)(2)(C), or any combination of convictions under subdivision (a)(2)(C) and subdivision (a)(1), (a)(2)(A), or (a)(2)(B) of this Section (promoting prostitution), 11-14 (prostitution), 11-14.1 (solicitation of a sexual act), 11-14.4 (promoting juvenile prostitution), 11-15 (soliciting for a prostitute), 11-15.1 (soliciting for a juvenile prostitute), 11-16 (pandering), 11-17 (keeping a place of prostitution), 11-17.1 (keeping a place of juvenile prostitution), 11-18 (patronizing a prostitute), 11-18.1 (patronizing a juvenile prostitute), 11-19 (pimping), 11-19.1 (juvenile pimping or aggravated juvenile pimping), or 11-19.2 (exploitation of a child), is a Class 3 felony. The charging document must state the prior violation. See Appendix A and the Sentencing Guide for discussion.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created by Public Act 96-1551; (Effective: 7-1-11.)

CHARGE: Felony (Class 4) **BOND:** Must be Set by Judge

720 ILCS 5/ 11-14.4(a)(1)

PROMOTING JUVENILE PROSTITUTION

In violation of SECTION 11-14.4(a)(1) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), advanced prostitution in that (describe the defendant's acts of advancement)¹ and (the minor engaged in prostitution in the place) was under 18 years of age.²

¹any act of advancement as defined in Section 11-0.1 of this Code; ²or was a person with a severe or profound intellectual disability at the time of the offense.

CHARGING NOTE: A violation of subdivision (a)(1) is a Class 1 felony, unless committed within 1,000 feet of real property comprising a school, in which case it is a Class X felony. A second or subsequent violation of subdivision (a)(1), (a)(2), or (a)(3), or any combination of convictions under subdivision (a)(1), (a)(2), or (a)(3) and Sections 11-14 (prostitution), 11-14.1 (solicitation of a sexual act), 11-14.3 (promoting prostitution), 11-15 (soliciting for a prostitute), 11-15.1 (soliciting for a juvenile prostitute), 11-16 (pandering), 11-17 (keeping a place of prostitution), 11-17.1 (keeping a place of juvenile prostitution), 11-18 (patronizing a prostitute), 11-18.1 (patronizing a juvenile prostitute), 11-19 (pimping), 11-19.1 (juvenile pimping or aggravated juvenile pimping), or 11-19.2 (exploitation of a child) of this Code, is a Class X felony. The charging document must state the prior violation. See Appendix A and the

Sentencing Guide for discussion. (Subsection (d))

AFFIRMATIVE DEFENSE: If the accused did not have a reasonable opportunity to observe the prostituted person, it is an affirmative defense to a charge of promoting juvenile prostitution, except for a charge under subdivision (a) (4), that the accused reasonably believed the person was of the age of 18 years or over or was not a person with a severe or profound intellectual disability at the time of the act giving rise to the charge. (Subsection (c))

IMPORTANT: For sentencing and alternative charging information see the **Sentencing Guide**.

Legislative History: Created by Public Act 96-1551; Eff: 7-1-11 and amended by P. A. 97-1109. Eff: 1-1-13.

This subsection was amended by Public Act 99-0143. Effective: 1-1-16.

CHARGE: Felony (Class 1)

BOND: Must be Set by Judge

720 ILCS 5/ 11-14.4(a)(2)

PROMOTING JUVENILE PROSTITUTION

In violation of SECTION 11-14.4(a)(2) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), profited from prostitution by compelling Dawn Smith, a person who is under 18 years of age,¹ to become a prostitute and to pay the defendant \$500.²

¹or was a person with a severe or profound intellectual disability at the time of the offense; ²or profits by any means.

CHARGING NOTE: A violation of subdivision (a)(1) is a Class 1 felony. A second or subsequent violation of subdivision (a)(1), (a)(2), or (a)(3), or any combination of convictions under subdivision (a)(1), (a)(2), or (a)(3) and Sections 11-14 (prostitution), 11-14.1 (solicitation of a sexual act), 11-14.3 (promoting prostitution), 11-15 (soliciting for a prostitute), 11-15.1 (soliciting for a juvenile prostitute), 11-16 (pandering), 11-17 (keeping a place of prostitution), 11-17.1 (keeping a place of juvenile prostitution), 11-18 (patronizing a prostitute), 11-18.1 (patronizing a juvenile prostitute), 11-19 (pimping), 11-19.1 (juvenile pimping or aggravated juvenile pimping), or 11-19.2 (exploitation of a child) of this Code, is a Class X felony. The charging document must state the prior violation. See **Appendix A** and the **Sentencing Guide** for discussion.

AFFIRMATIVE DEFENSE: If the accused did not have a reasonable opportunity to observe the prostituted person, it is an affirmative defense to a charge of promoting juvenile prostitution, except for a charge under subdivision (a) (4), that the accused reasonably believed the person was of the age of 18 years or over or was not a person with a severe or profound intellectual disability at the time of the act giving rise to the charge. (Subsection (c))

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created by Public Act 96-1551; (Effective: 7-1-11.) and amended by P. A. 97-1109. Eff: 1-1-13.

This subsection was amended by Public Act 99-0143. Effective: 1-1-16.

CHARGE: Felony (Class 4) **BOND:** Must be Set by Judge

720 ILCS 5/ 11-14.4(a)(3)

PROMOTING JUVENILE PROSTITUTION

In violation of SECTION 11-14.4(a)(3) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant’s name), profited from prostitution by compelling Dawn Smith, a person who is under 13 years of age, to become a prostitute and to pay the defendant \$500.¹

¹or profits by any means.

CHARGING NOTE: A violation of subdivision (a)(3) is a Class X felony. A second or subsequent violation of subdivision (a)(3), or any combination of convictions under subdivision (a)(1), (a)(2), or (a)(3) and Sections 11-14 (prostitution), 11-14.1 (solicitation of a sexual act), 11-14.3 (promoting prostitution), 11-15 (soliciting for a prostitute), 11-15.1 (soliciting for a juvenile prostitute), 11-16 (pandering), 11-17 (keeping a place of prostitution), 11-17.1 (keeping a place of juvenile prostitution), 11-18 (patronizing a prostitute), 11-18.1 (patronizing a juvenile prostitute), 11-19 (pimping), 11-19.1 (juvenile pimping or aggravated juvenile pimping), or 11-19.2 (exploitation of a child) of this Code, is a Class X felony. The charging document must state the prior violation. See Appendix A and the Sentencing Guide for discussion.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created by Public Act 96-1551; (Effective: 7-1-11.).

CHARGE: Felony (Class X) **BOND:** Must be Set by Judge

720 ILCS 5/ 11-14.4(a)(4)(A)

PROMOTING JUVENILE PROSTITUTION

In violation of SECTION 11-14.4(a)(4)(A) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), confined Dawn Smith, a person under 18 years of age,¹ against her will by the threat of imminent infliction of great bodily harm² upon Dawn Smith and compelled Dawn Smith to engage in prostitution.

¹or a person with a severe or profound intellectual disability; ²or by the infliction of great bodily harm, or permanent disability or disfigurement or by the administration, without the victim's consent or by threat or deception and for other than medical purposes, any alcoholic intoxicant or a drug as defined in the Illinois Controlled Substance Act or the Cannabis Control Act or methamphetamine as defined in the Methamphetamine Control and Community Protection Act.

NOTE: This subsection can also be violated where the defendant (B) arranges a situation in which the victim may practice prostitution; or (C) profits from prostitution by the victim.

NOTE: For purposes of this Section, administering drugs, as defined in subdivision (a)(4), or an alcoholic intoxicant to a child under the age of 13 or a person with a severe or profound intellectual disability shall be deemed to be without consent if the administering is done without the consent of the parents or legal guardian or if the administering is performed by the parents or legal guardian for other than medical purposes. (Subsection (b))

SENTENCING NOTE: A violation of subdivision (a) (4) is a Class X felony for which the defendant shall be sentenced to a term of imprisonment of not less than 6 years and not more than 60 years. **FORFEITURE:** Any person convicted of a violation of this Section that involves promoting juvenile prostitution by keeping a place of juvenile prostitution or convicted of a violation of subdivision (a)(4) is subject to the property forfeiture provisions set forth in Article 124B of the Code of Criminal Procedure of 1963.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created by Public Act 97-0227; (Effective: 7-1-11.) and amended by P. A. 97-1109. Eff: 1-1-13.

This subsection was amended by Public Act 99-0143. Effective: 1-1-16.

CHARGE: Felony (Class X)

BOND: Must be Set by Judge

720 ILCS 5/ 11-18(a)(1)

PATRONIZING A PROSTITUTE

In violation of SECTION 11-18(a)(1) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly engaged in an act of sexual penetration¹ with Dawn Smith, a prostitute, not his² spouse, in that the defendant (describe the act of prostitution).

¹for a definition of "sexual penetration" see Appendix C.; ²or her

VEHICLE IMPOUNDMENT NOTE: In addition to any other penalty provided by law, a peace officer who arrests a person for a violation of this Section may tow and impound any vehicle used by the person in the commission of the offense. The person arrested for such a violation shall be charged a \$1,000 fee, to be paid to the unit of government that made the arrest. The person may recover the vehicle from impound after a minimum of 2 hours after arrest upon payment of the fee. (720 ILCS 5/36.5-5(a))

CHARGING NOTE: Patronizing a prostitute is a Class 4 felony, unless committed within 1,000 feet of real property comprising a school, in which case it is a Class 3 felony. A person convicted of a second or subsequent violation of this Section, or of any combination of such number of convictions under this Section and Sections 11-14 (prostitution), 11-14.1 (solicitation of a sexual act), 11-14.3 (promoting prostitution), 11-14.4 (promoting juvenile prostitution), 11-15 (soliciting for a prostitute), 11-15.1 (soliciting for a juvenile prostitute), 11-16 (pandering), 11-17 (keeping a place of prostitution), 11-17.1 (keeping a place of juvenile prostitution), 11-18.1 (patronizing a juvenile prostitute), 11-19 (pimping), 11-19.1 (juvenile pimping or aggravated juvenile pimping), or 11-19.2 (exploitation of a child) of this Code, is guilty of a Class 3 felony. The charging document must state the prior violation. See Appendix A and the Sentencing Guide for discussion.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Codified - Laws 1961, p.1983 (January 1, 1962); Amended - P.A.s 77-2638, 80-360, 83-1067, 84-1006, 85-1447, 88-325, 91-274, 91-498, 92-16, 96-1464 and 96-1551 (Effective: 7-1-11.)

CHARGE: Felony (Class 4)

BOND: Must be set by Judge

720 ILCS 5/ 11-18(a)(2)

PATRONIZING A PROSTITUTE

In violation of SECTION 11-18(a)(2) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly entered¹ a place of prostitution, 777 May Street, Apartment 2B, Union City, Union County, Illinois, with the intent to engage in an act of sexual penetration² with Dawn Smith, a prostitute, not his³ spouse.

¹or remained in; ²for a definition of "sexual penetration" see Appendix C; ³or her

NOTE: See Appendix B for discussion of necessity of alleging mental state.

VEHICLE IMPOUNDMENT NOTE: In addition to any other penalty provided by law, a peace officer who arrests a person for a violation of this Section may tow and impound any vehicle used by the person in the commission of the offense. The person arrested for such a violation shall be charged a \$1,000 fee, to be paid to the unit of government that made the arrest. The person may recover the vehicle from impound after a minimum of 2 hours after arrest upon payment of the fee. (720 ILCS 5/36.5-5(a))

CHARGING NOTE: Patronizing a prostitute is a Class 4 felony, unless committed within 1,000 feet of real property comprising a school, in which case it is a Class 3 felony. A person convicted of a second or subsequent violation of this Section, or of any combination of such number of convictions under this Section and Sections 11-14 (prostitution), 11-14.1 (solicitation of a sexual act), 11-14.3 (promoting prostitution), 11-14.4 (promoting juvenile prostitution), 11-15 (soliciting for a prostitute), 11-15.1 (soliciting for a juvenile prostitute), 11-16 (pandering), 11-17 (keeping a place of prostitution), 11-17.1 (keeping a place of juvenile prostitution), 11-18.1 (patronizing a juvenile prostitute), 11-19 (pimping), 11-19.1 (juvenile pimping or aggravated juvenile pimping), or 11-19.2 (exploitation of a child) of this Code, is guilty of a Class 3 felony. The charging document must state the prior violation. See Appendix A and the Sentencing Guide for discussion.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Amended by Public Act 96-1551. (Effective: 7-1-11)

CHARGE: Felony (Class 4)

BOND: Must be set by Judge

720 ILCS 5/ 11-18(a)(3)

PATRONIZING A PROSTITUTE

In violation of SECTION 11-18(a)(3) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly touched¹ the sex organs of Dawn Smith, a prostitute,² with the intent to achieve sexual arousal.³

¹or fondled; ²or had the prostitute fondle or touch the defendant's sex organs; ³or gratification.

CHARGING NOTE: Patronizing a prostitute is a Class 4 felony, unless committed within 1,000 feet of real property comprising a school, in which case it is a Class 3 felony. A person convicted of a second or subsequent violation of this Section, or of any combination of such number of convictions under this Section and Sections 11-14 (prostitution), 11-14.1 (solicitation of a sexual act), 11-14.3 (promoting prostitution), 11-14.4 (promoting juvenile prostitution), 11-15 (soliciting for a prostitute), 11-15.1 (soliciting for a juvenile prostitute), 11-16 (pandering), 11-17 (keeping a place of prostitution), 11-17.1 (keeping a place of juvenile prostitution), 11-18.1 (patronizing a juvenile prostitute), 11-19 (pimping), 11-19.1 (juvenile pimping or aggravated juvenile pimping), or 11-19.2 (exploitation of a child) of this Code, is guilty of a Class 3 felony. The charging document must state the prior violation. See Appendix A and the Sentencing Guide for discussion.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created by Public Act 96-1551. (Effective: 7-1-11)

CHARGE: Felony (Class 4)

BOND: Must be set by Judge

720 ILCS 5/ 11-18.1(a)

PATRONIZING A MINOR ENGAGED IN PROSTITUTION

In violation of SECTION 11-18.1(a) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly¹ engaged in an act of sexual penetration² with Dawn Smith, a minor engaged in prostitution under 18 years of age³, in that the defendant (describe the act of prostitution).

¹or intentionally or recklessly; ²for a definition of "sexual penetration" see Appendix C;
³or is a person with a severe or profound intellectual disability.

VEHICLE IMPOUNDMENT NOTE: In addition to any other penalty provided by law, a peace officer who arrests a person for a violation of this Section may tow and impound any vehicle used by the person in the commission of the offense. The person arrested for such a violation shall be charged a \$1,000 fee, to be paid to the unit of government that made the arrest. The person may recover the vehicle from impound after a minimum of 2 hours after arrest upon payment of the fee. (720 ILCS 5/36.5-5)

AFFIRMATIVE DEFENSE NOTE: It is an affirmative defense to the charge of patronizing a minor engaged in prostitution that the accused reasonably believed that the person was of the age of 18 years or over or was not a person with a severe or profound intellectual disability at the time of the act giving rise to the charge. (Subsection (b))

CHARGING NOTE: A person who commits patronizing a juvenile prostitute is guilty of a Class 3 felony, unless committed within 1,000 feet of real property comprising a school, in which case it is a Class 2 felony. A person convicted of a second or subsequent violation of this Section, or of any combination of such number of convictions under this Section and Sections 11-14 (prostitution), 11-14.1 (solicitation of a sexual act), 11-14.3 (promoting prostitution), 11-14.4 (promoting juvenile prostitution), 11-15 (soliciting for a prostitute), 11-15.1 (soliciting for a juvenile prostitute), 11-16 (pandering), 11-17 (keeping a place of prostitution), 11-17.1 (keeping a place of juvenile prostitution), 11-18 (patronizing a prostitute), 11-19 (pimping), 11-19.1 (juvenile pimping or aggravated juvenile pimping), or 11-19.2 (exploitation of a child) of this Code, is guilty of a Class 2 felony. The fact of such conviction is not an element of the offense and may not be disclosed to the jury during trial unless otherwise permitted by issues properly raised during such trial. The charging document must state the prior violation. See Appendix A and the Sentencing Guide for discussion. (Subsection (c))

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Added by P.A. 85-1447, eff. Jan. 1, 1990. Amended by P.A. 96-1464, 96-1551, and 97-227, eff. Jan. 1, 2012 and by P. A. 97-1109. Eff: 1-1-13.

This subsection was amended by Public Act 99-0143. Effective: 1-1-16.

CHARGE: Felony (Class 3)

BOND: Must be Set by Judge

720 ILCS 5/ 11-18.1(a-5)

PATRONIZING A MINOR ENGAGED IN PROSTITUTION

In violation of SECTION 11-18.1(a-5) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly¹ engaged in an act of touching² the sex organs of Dawn Smith³, a minor engaged in prostitution under 18 years of age⁴.

¹or intentionally or recklessly; ²or fondling; ³or the defendant had the minor engaged in prostitution touch or fondle his sex organs; ⁴or is a person with a severe or profound intellectual disability.

CHARGING NOTE: A person who commits patronizing a juvenile prostitute is guilty of a Class 3 felony, unless committed within 1,000 feet of real property comprising a school, in which case it is a Class 2 felony. A person convicted of a second or subsequent violation of this Section, or of any combination of such number of convictions under this Section and Sections 11-14 (prostitution), 11-14.1 (solicitation of a sexual act), 11-14.3 (promoting prostitution), 11-14.4 (promoting juvenile prostitution), 11-15 (soliciting for a prostitute), 11-15.1 (soliciting for a juvenile prostitute), 11-16 (pandering), 11-17 (keeping a place of prostitution), 11-17.1 (keeping a place of juvenile prostitution), 11-18 (patronizing a prostitute), 11-19 (pimping), 11-19.1 (juvenile pimping or aggravated juvenile pimping), or 11-19.2 (exploitation of a child) of this Code, is guilty of a Class 2 felony. The fact of such conviction is not an element of the offense and may not be disclosed to the jury during trial unless otherwise permitted by issues properly raised during such trial. The charging document must state the prior violation. See Appendix A and the Sentencing Guide for discussion.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created by Public Act 96-1551. (Effective: 7-1-11) and amended by P. A. 97-1109. Eff: 1-1-13.

This subsection was amended by Public Act 99-0143. Effective: 1-1-16.

CHARGE: Felony (Class 3)

BOND: Must be Set by Judge

720 ILCS 5/ 11-20(a)(1)

OBSCENITY

In violation of SECTION 11-20(a)(1) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), with the knowledge of the nature¹ of the obscene writing² entitled HOW LOW CAN YOU GO, sold³ such obscene writing to Don Smith.

¹or content/or recklessly having failed to exercise reasonable inspection which would have disclosed the nature or contents thereof; ²or picture, record or other representation or embodiment of the obscene; ³or delivered, provided or offered or agreed to sell, deliver or provide

NOTE: Any material or performance is obscene if: (1) the average person, applying contemporary adult community standards, would find that taken as a whole, it appeals to the prurient interest; and (2) the average person applying contemporary adult community standards, would find that it depicts or describes, in a patently offensive way, ultimate sexual acts or

sadomasochistic sexual acts, whether normal or perverted, actual or simulated, or masturbation, excretory function or lewd exhibition of the genitals; and (3) taken as a whole, it lacks serious literary, artistic, political or scientific value.

CHARGING NOTE: A person convicted of a second or subsequent violation of this Section shall be guilty of a Class 4 Felony. The charging instrument must state the prior conviction. See Appendix A for discussion

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Laws 1961, § 11-20, eff. Jan. 1, 1962. Amended by Laws 1961, eff. Aug. 1, 1961; Laws 1965, eff. July 1, 1965; Laws 1967, eff. Aug. 14, 1967; 77-2638, 84-709, 85-1014, 96-712, and 96-1551, eff. July 1, 2011.

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

720 ILCS 5/ 11-20(a)(2)

OBSCENITY

In violation of SECTION 11-20(a)(2) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), with knowledge of the obscene nature¹ of the play,² entitled HOW LOW CAN YOU GO, presented³ such obscene play at the Family Playhouse, 777 May Street, Union City, Union County, Illinois.

¹or content/or recklessly having failed to exercise reasonable inspection which would have disclosed the nature or content thereof; ²or dance or other performance; ³or directed or participated directly in that portion thereof which made it obscene

NOTE: For definition of obscenity see Appendix C.

CHARGING NOTE: A person convicted of a second or subsequent violation of this Section shall be guilty of a Class 4 Felony. The charging instrument must state the prior conviction. See Appendix A for discussion.

CASE LAW: Criminal complaint charging defendant with obscenity for having "provided, offered for sale or otherwise made available" an obscene magazine was duplicitous and void. People v. Eagle Books, Inc. (1992), 151 Ill. 2d 235.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

720 ILCS 5/ 11-20(a)(3)

OBSCENITY

In violation of SECTION 11-20(a)(3) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), with knowledge of the obscene nature¹ of the magazine,² entitled HOW LOW CAN YOU GO, exhibited³ the obscene magazine at 777 May Street, Union City, Union County, Illinois.

¹or content/or recklessly having failed to exercise reasonable inspection which would have disclosed the nature or content thereof; ²anything obscene; ³or published or otherwise made available

NOTE: For definition of obscenity see Appendix C.

CHARGING NOTE: A person convicted of a second or subsequent violation of this Section shall be guilty of a Class 4 Felony. The charging instrument must state the prior conviction. See Appendix A for discussion.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

720 ILCS 5/ 11-20(a)(4)

OBSCENITY

In violation of SECTION 11-20(a)(4) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), with knowledge of the nature¹ of the performance,² performed an obscene act³ for gain, in that he engaged in sexual intercourse with a female on the stage of the Family Theatre, 777 May Street, Union City, Union County, Illinois during the performance of the play entitled HOW LOW CAN YOU GO.

¹or content/or recklessly having failed to exercise reasonable inspection which would have disclosed the nature or contents thereof; ²or exhibition; ³or otherwise presented an obscene exhibition of his body

NOTE: For definition of obscenity see Appendix C.

CHARGING NOTE: A person convicted of a second or subsequent violation of this Section shall be guilty of a Class 4 Felony. The charging instrument must state the prior conviction. See Appendix A for discussion.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

720 ILCS 5/ 11-20(a)(5)

OBSCENITY

In violation of SECTION 11-20(a)(5) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), with knowledge of the nature¹ of the magazine,² entitled HOW LOW CAN YOU GO, possessed³ such obscene magazine with the intent to disseminate it, in violation of Section 11-20 of Act 5 of Chapter 720 of the Illinois Compiled Statutes.⁴

¹or content/or recklessly having failed to exercise reasonable inspection which would have disclosed the nature or contents thereof; ²any obscene matter or material; ³or created, bought or procured; ⁴or of the penal laws or regulations of any other jurisdiction (be specific)

NOTE: For definition of obscenity see Appendix C.

CHARGING NOTE: A person convicted of a second or subsequent violation of this Section shall be guilty of a Class 4 Felony. The charging instrument must state the prior conviction. See Appendix A for discussion.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

720 ILCS 5/ 11-20(a)(6)

OBSCENITY

In violation of SECTION 11-20(a)(6) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), with knowledge of the nature¹ of the magazine,² entitled HOW LOW CAN YOU GO, advertised³ the sale of such magazine at 777 May Street, Union City, Union County, Illinois, representing it to be obscene,⁴ in that a placard prominently displayed over the magazine read: "The Dirtiest, Vilest, Smut-Filled Obscene Magazine - HOW LOW CAN YOU GO - Now on Sale HERE."

¹or content/or recklessly having failed to exercise reasonable inspection which would have disclosed the nature or contents thereof; ²any material; ³or otherwise promoted; ⁴it is immaterial for purposes of this subsection whether or not the material is obscene

NOTE: For definition of obscenity see Appendix C.

CHARGING NOTE: A person convicted of a second or subsequent violation of this Section shall be guilty of a Class 4 Felony. The charging instrument must state the prior conviction. See Appendix A for discussion.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

720 ILCS 5/ 11-20.1(a)(1)

CHILD PORNOGRAPHY

In violation of SECTION 11-20.1(a)(1) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly **took a photograph of** ¹Dawn Smith, a child whom the defendant knew² to be under the age of 18 years³ while she actually⁴ engaged in an act of sexual penetration⁵ with Bob White.⁶

¹or videotaped, photographed, or otherwise depicted or portrayed by means of any similar visual medium or reproduction or depiction by computer; ²or reasonably should have known; ³or to be a person with a severe or profound intellectual disability (for definition see Appendix C; ⁴or by simulation; ⁵or conduct; ⁶or any person or animal

NOTE: For other acts proscribed by this Section see following complaints.

AFFIRMATIVE DEFENSE: It shall be an affirmative defense to a charge of child pornography that the defendant reasonably believed, under all of the circumstances, that the child was 18 years of age or older or that the person was not a person with a severe or profound intellectual disability but only where, prior to the act or acts giving rise to a prosecution under this Section, he or she took some affirmative action or made a bonafide inquiry designed to ascertain whether the child was 18 years of age or older or that the person was not a person with a severe or profound intellectual disability severely or profoundly intellectually disabled person and his or her reliance upon the information so obtained was clearly reasonable. (Subsection (b) (1))

CHARGING AND SENTENCING NOTES: *(a)* If the violation does not involve a film, videotape, or other moving depiction, a violation of this subsection is a Class 1 felony with a mandatory minimum fine of \$2,000 and a maximum fine of \$100,000. If the violation involves a

film, videotape, or other moving depiction, a violation of this subsection (a) is a Class X felony with a mandatory minimum fine of \$2,000 and a maximum fine of \$100,000. (97-0157) **(b)** Where the child depicted is under the age of 13, a violation of paragraph (1), (2), (3), (4), (5), or (7) of subsection (a) is a Class X felony with a mandatory minimum fine of \$2,000 and a maximum fine of \$100,000. Where the child depicted is under the age of 13, a violation of paragraph (6) of subsection (a) is a Class 2 felony with a mandatory minimum fine of \$1,000 and a maximum fine of \$100,000. Where the child depicted is under the age of 13, a person who commits a violation of paragraph (1), (2), (3), (4), (5), or (7) of subsection (a) where the defendant has previously been convicted under the laws of this State or any other state of the offense of child pornography, aggravated child pornography, aggravated criminal sexual abuse, aggravated criminal sexual assault, predatory criminal sexual assault of a child, or any of the offenses formerly known as rape, deviate sexual assault, indecent liberties with a child, or aggravated indecent liberties with a child where the victim was under the age of 18 years or an offense that is substantially equivalent to those offenses, is guilty of a Class X felony for which the person shall be sentenced to a term of imprisonment of not less than 9 years with a mandatory minimum fine of \$2,000 and a maximum fine of \$100,000. Where the child depicted is under the age of 13, a person who commits a violation of paragraph (6) of subsection (a) where the defendant has previously been convicted under the laws of this State or any other state of the offense of child pornography, aggravated child pornography, aggravated criminal sexual abuse, aggravated criminal sexual assault, predatory criminal sexual assault of a child, or any of the offenses formerly known as rape, deviate sexual assault, indecent liberties with a child, or aggravated indecent liberties with a child where the victim was under the age of 18 years or an offense that is substantially equivalent to those offenses, is guilty of a Class 1 felony with a mandatory minimum fine of \$1,000 and a maximum fine of \$100,000. The issue of whether the child depicted is under the age of 13 is an element of the offense to be resolved by the trier of fact. (97-0995) **(c)** A prosecution for this offense may be commenced at any time. (720 ILCS 5/3-5)

IMPORTANT: For sentencing and alternative charging information see the **Sentencing Guide.**

CONSTITUTIONALITY: This subsection survived a constitutional attack even though this Act's definition of "Child" was found to be unconstitutional. People v. Alexander, 204 Ill. 2d 472 (2003).

Legislative History: Created - P.A. 83-472 (January 1, 1984); Amended - P.A.s 84-1029, 84-1280, 85-1194, 85-1392, 85-1440, 85-1447, 86-1168, 90-68, 91-54, 92-827, 94-366, 97-0227, 97-0157 and by P. A. 97-0995. Eff: 1-1-13.

This subsection was amended by Public Act 99-0143. Effective: 1-1-16.

CHARGE: Felony (Class 1)

BOND: Must be Set by Judge

720 ILCS 5/ 11-20.1(a)(2)

CHILD PORNOGRAPHY

In violation of SECTION 11-20.1(a)(2) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), with the knowledge of the nature¹ thereof, and with the intent to disseminate, possessed² a photograph³ of Dawn Smith, a child whom the defendant knew⁴ was under the age of 18 years⁵ which did show Jane Smith actually⁶ engaging in an act of sexual penetration⁷ with Bob White.⁸

¹or content; ²or reproduced, disseminated, offered to disseminate, or exhibited; ³or videotape, film or other similar visual reproduction or depiction by computer; ⁴or reasonably should have known; ⁵or to be a person with a severe or profound intellectual disability (For definition see **Appendix C**); ⁶or by simulation; ⁷or conduct; ⁸or any person or animal

AFFIRMATIVE DEFENSE: It shall be an affirmative defense to a charge of child pornography that the defendant reasonably believed, under all of the circumstances, that the child was 18 years of age or older or that the person was not a person with a severe or profound intellectual disability but only where, prior to the act or acts giving rise to a prosecution under this Section, he or she took some affirmative action or made a bonafide inquiry designed to ascertain whether the child was 18 years of age or older or that the person was not a person with a severe or profound intellectual disability severely or profoundly intellectually disabled person and his or her reliance upon the information so obtained was clearly reasonable. (**Subsection (b) (1)**)

CHARGING AND SENTENCING NOTES: **(1)** If the violation does not involve a film, videotape, or other moving depiction, a violation of this subsection is a Class 1 felony with a mandatory minimum fine of \$1,000 and a maximum fine of \$100,000. If the violation involves a film, videotape, or other moving depiction, a violation of this subsection (a) is a Class X felony with a mandatory minimum fine of \$1,000 and a maximum fine of \$100,000. (97-0157) (2) Where the child depicted is under the age of 13, a violation of paragraph (1), (2), (3), (4), (5), or (7) of subsection (a) is a Class X felony with a mandatory minimum fine of \$2,000 and a maximum fine of \$100,000. Where the child depicted is under the age of 13, a violation of paragraph (6) of subsection (a) is a Class 2 felony with a mandatory minimum fine of \$1,000 and a maximum fine of \$100,000. Where the child depicted is under the age of 13, a person who commits a violation of paragraph (1), (2), (3), (4), (5), or (7) of subsection (a) where the defendant has previously been convicted under the laws of this State or any other state of the offense of child pornography, aggravated child pornography, aggravated criminal sexual abuse, aggravated criminal sexual assault, predatory criminal sexual assault of a child, or any of the offenses formerly known as rape, deviate sexual assault, indecent liberties with a child, or aggravated indecent liberties with a child where the victim was under the age of 18 years or an offense that is substantially equivalent to those offenses, is guilty of a Class X felony for which the person shall be sentenced to a term of imprisonment of not less than 9 years with a mandatory minimum fine of \$2,000 and a maximum fine of \$100,000. Where the child depicted is under the age of 13, a person who commits a violation of paragraph (6) of subsection (a)

where the defendant has previously been convicted under the laws of this State or any other state of the offense of child pornography, aggravated child pornography, aggravated criminal sexual abuse, aggravated criminal sexual assault, predatory criminal sexual assault of a child, or any of the offenses formerly known as rape, deviate sexual assault, indecent liberties with a child, or aggravated indecent liberties with a child where the victim was under the age of 18 years or an offense that is substantially equivalent to those offenses, is guilty of a Class 1 felony with a mandatory minimum fine of \$1,000 and a maximum fine of \$100,000. The issue of whether the child depicted is under the age of 13 is an element of the offense to be resolved by the trier of fact. (97-0995) **(2)** The possession of each individual film, videotape, photograph, or other similar visual reproduction or depiction by computer in violation of this Section constitutes a single and separate violation. This subsection (a-5) does not apply to multiple copies of the same film, videotape, photograph, or other similar visual reproduction or depiction by computers that are identical to each other.

IMPORTANT: For sentencing and alternative charging information see the **Sentencing Guide.**

Legislative History: This subsection was amended by Public Acts 97-0157, 97-0227 and 97-995 by P. A. 98-0437. Eff: 1-1-14.

This subsection was amended by Public Act 99-0143. Effective: 1-1-16.

CHARGE: Felony (Class 1)

BOND: Must be Set by Judge

720 ILCS 5/ 11-20.1(a)(3)

CHILD PORNOGRAPHY

In violation of SECTION **11-20.1(a)(3)** of ACT **5** of CHAPTER **720** of the Illinois Compiled Statutes, on **(date of offense)**, in the State of Illinois and the County of **_____**, defendant, **(defendant's name)**, with knowledge of the subject matter¹ thereof, produced a stage play² which included Dawn Smith, whom the defendant knew³ was a child under the age of 18 years⁴ wherein Dawn Smith actually⁵ engaged in sexual penetration⁶ with Bob White.⁷

¹or theme; ²or a live performance, film, videotape or other similar visual portrayal or depiction by computer; ³or to be a person with a severe or profound intellectual disability (For definition see **Appendix C**); ⁵or by simulation⁶ or conduct; ⁷or any person or animal

AFFIRMATIVE DEFENSE: It shall be an affirmative defense to a charge of child pornography that the defendant reasonably believed, under all of the circumstances, that the child was 18 years of age or older or that the person was not a person with a severe or profound intellectual disability but only where, prior to the act or acts giving rise to a prosecution under this Section, he or she took some affirmative action or made a bonafide inquiry designed to ascertain whether the child was 18 years of age or older or that the person was not a person with a severe or profound intellectual disability severely or profoundly intellectually disabled person and his or her reliance upon the information so obtained was clearly reasonable. (**Subsection (b)**)

(1)

CHARGING AND SENTENCING NOTES: **(1)** If the violation does not involve a film, videotape, or other moving depiction, a violation of this subsection is a Class 1 felony with a mandatory minimum fine of \$1,500 and a maximum fine of \$100,000. If the violation involves a film, videotape, or other moving depiction, a violation of this subsection (a) is a Class X felony with a mandatory minimum fine of \$1,500 and a maximum fine of \$100,000. **(2)** Where the child depicted is under the age of 13, a violation of paragraph (1), (2), (3), (4), (5), or (7) of subsection (a) is a Class X felony with a mandatory minimum fine of \$2,000 and a maximum fine of \$100,000. Where the child depicted is under the age of 13, a violation of paragraph (6) of subsection (a) is a Class 2 felony with a mandatory minimum fine of \$1,000 and a maximum fine of \$100,000. Where the child depicted is under the age of 13, a person who commits a violation of paragraph (1), (2), (3), (4), (5), or (7) of subsection (a) where the defendant has previously been convicted under the laws of this State or any other state of the offense of child pornography, aggravated child pornography, aggravated criminal sexual abuse, aggravated criminal sexual assault, predatory criminal sexual assault of a child, or any of the offenses formerly known as rape, deviate sexual assault, indecent liberties with a child, or aggravated indecent liberties with a child where the victim was under the age of 18 years or an offense that is substantially equivalent to those offenses, is guilty of a Class X felony for which the person shall be sentenced to a term of imprisonment of not less than 9 years with a mandatory minimum fine of \$2,000 and a maximum fine of \$100,000. Where the child depicted is under the age of 13, a person who commits a violation of paragraph (6) of subsection (a) where the defendant has previously been convicted under the laws of this State or any other state of the offense of child pornography, aggravated child pornography, aggravated criminal sexual abuse, aggravated criminal sexual assault, predatory criminal sexual assault of a child, or any of the offenses formerly known as rape, deviate sexual assault, indecent liberties with a child, or aggravated indecent liberties with a child where the victim was under the age of 18 years or an offense that is substantially equivalent to those offenses, is guilty of a Class 1 felony with a mandatory minimum fine of \$1,000 and a maximum fine of \$100,000. The issue of whether the child depicted is under the age of 13 is an element of the offense to be resolved by the trier of fact. (97-0995)

IMPORTANT: For sentencing and alternative charging information see the **Sentencing Guide**.

Legislative History: This subsection was amended by Public Acts 97-0157, 97-0227. (Both Effective: 1-1-12) and by P. A. 97-0995. (Eff: 1-1-13).

This subsection was amended by Public Act 99-0143. Effective: 1-1-16.

CHARGE: Felony (Class 1)

BOND: Must be Set by Judge

720 ILCS 5/ 11-20.1(a)(4)

CHILD PORNOGRAPHY

In violation of SECTION 11-20.1(a)(4) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly solicited¹ Dawn Smith, a child whom the defendant knew² to be under the age of 18 years³ to appear in a stage play⁴ in which Dawn Smith would be depicted as actually⁵ engaging in sexual penetration⁶ with Bob White.⁷

¹or used, persuaded, induced, enticed or coerced; ²or reasonably should have known; ³or to be a person with a severe or profound intellectual disability (For definition see Appendix C); ⁴or live presentation, film, videotape, photograph, or other similar visual reproduction or depiction by computer; ⁵or by simulation; ⁶or conduct; ⁷or any person or animal

AFFIRMATIVE DEFENSE: It shall be an affirmative defense to a charge of child pornography that the defendant reasonably believed, under all of the circumstances, that the child was 18 years of age or older or that the person was not a person with a severe or profound intellectual disability but only where, prior to the act or acts giving rise to a prosecution under this Section, he or she took some affirmative action or made a bonafide inquiry designed to ascertain whether the child was 18 years of age or older or that the person was not a person with a severe or profound intellectual disability severely or profoundly intellectually disabled person and his or her reliance upon the information so obtained was clearly reasonable. (Subsection (b) (1))

CHARGING AND SENTENCING NOTES: **(1)** If the violation does not involve a film, videotape, or other moving depiction, a violation of this subsection is a Class 1 felony with a mandatory minimum fine of \$2,000 and a maximum fine of \$100,000. If the violation involves a film, videotape, or other moving depiction, a violation of this subsection (a) is a Class X felony with a mandatory minimum fine of \$2,000 and a maximum fine of \$100,000. **(2)** Where the child depicted is under the age of 13, a violation of paragraph (1), (2), (3), (4), (5), or (7) of subsection (a) is a Class X felony with a mandatory minimum fine of \$2,000 and a maximum fine of \$100,000. Where the child depicted is under the age of 13, a violation of paragraph (6) of subsection (a) is a Class 2 felony with a mandatory minimum fine of \$1,000 and a maximum fine of \$100,000. Where the child depicted is under the age of 13, a person who commits a violation of paragraph (1), (2), (3), (4), (5), or (7) of subsection (a) where the defendant has previously been convicted under the laws of this State or any other state of the offense of child pornography, aggravated child pornography, aggravated criminal sexual abuse, aggravated criminal sexual assault, predatory criminal sexual assault of a child, or any of the offenses formerly known as rape, deviate sexual assault, indecent liberties with a child, or aggravated indecent liberties with a child where the victim was under the age of 18 years or an offense that is substantially equivalent to those offenses, is guilty of a Class X felony for which the person shall be sentenced to a term of imprisonment of not less than 9 years with a mandatory minimum fine of \$2,000 and a maximum fine of \$100,000. Where the child depicted is under the age of 13, a person who commits a violation of paragraph (6) of subsection (a) where the defendant has previously been convicted under the laws of this State or any other state of the offense of child pornography,

aggravated child pornography, aggravated criminal sexual abuse, aggravated criminal sexual assault, predatory criminal sexual assault of a child, or any of the offenses formerly known as rape, deviate sexual assault, indecent liberties with a child, or aggravated indecent liberties with a child where the victim was under the age of 18 years or an offense that is substantially equivalent to those offenses, is guilty of a Class 1 felony with a mandatory minimum fine of \$1,000 and a maximum fine of \$100,000. The issue of whether the child depicted is under the age of 13 is an element of the offense to be resolved by the trier of fact. (97-0995)

IMPORTANT: For sentencing and alternative charging information see the **Sentencing Guide.**

Legislative History: This subsection was amended by Public Acts 97-0157, 97-0227; (Both Effective: 1-1-12) and by P. A. 97-0995; (Eff: 1-1-13).

This subsection was amended by Public Act 99-0143. Effective: 1-1-16.

CHARGE: Felony (Class 1)

BOND: Must be Set by Judge

720 ILCS 5/ 11-20.1(a)(5)

CHILD PORNOGRAPHY

In violation of SECTION 11-20.1(a)(5) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), the parent¹ of Dawn Smith, a child whom the defendant knew² was under the age of 18 years³ knowingly permitted⁴ Dawn Smith to appear in a stage play⁵ in which Dawn Smith actually⁶ engaged in an act of sexual penetration⁷ with Bob White.⁸

¹or stepparent, legal guardian or other person having care or custody of a child under the age of 18 years; ²or reasonably should have known; ³or to be a person with a severe or profound intellectual disability (For definition see **Appendix C**); ⁴or arranged for or induced or promoted; ⁵or live performance, film, videotape, photograph or other similar visual presentation, portrayal or simulation or depiction by computer; ⁶or by simulation; ⁷or conduct; ⁸or any person or animal

AFFIRMATIVE DEFENSE: It shall be an affirmative defense to a charge of child pornography that the defendant reasonably believed, under all of the circumstances, that the child was 18 years of age or older or that the person was not a person with a severe or profound intellectual disability but only where, prior to the act or acts giving rise to a prosecution under this Section, he or she took some affirmative action or made a bonafide inquiry designed to ascertain whether the child was 18 years of age or older or that the person was not a person with a severe or profound intellectual disability severely or profoundly intellectually disabled person and his or her reliance upon the information so obtained was clearly reasonable. (Subsection (b) (1))

CHARGING AND SENTENCING NOTES: **(1)** If the violation does not involve a film, videotape, or other moving depiction, a violation of this subsection is a Class 1 felony with a mandatory minimum fine of \$2,000 and a maximum fine of \$100,000. If the violation involves a film, videotape, or other moving depiction, a violation of this subsection (a) is a Class X felony with a mandatory minimum fine of \$2,000 and a maximum fine of \$100,000. **(2)** Where the child depicted is under the age of 13, a violation of paragraph (1), (2), (3), (4), (5), or (7) of subsection (a) is a Class X felony with a mandatory minimum fine of \$2,000 and a maximum fine of \$100,000. Where the child depicted is under the age of 13, a violation of paragraph (6) of subsection (a) is a Class 2 felony with a mandatory minimum fine of \$1,000 and a maximum fine of \$100,000. Where the child depicted is under the age of 13, a person who commits a violation of paragraph (1), (2), (3), (4), (5), or (7) of subsection (a) where the defendant has previously been convicted under the laws of this State or any other state of the offense of child pornography, aggravated child pornography, aggravated criminal sexual abuse, aggravated criminal sexual assault, predatory criminal sexual assault of a child, or any of the offenses formerly known as rape, deviate sexual assault, indecent liberties with a child, or aggravated indecent liberties with a child where the victim was under the age of 18 years or an offense that is substantially equivalent to those offenses, is guilty of a Class X felony for which the person shall be sentenced to a term of imprisonment of not less than 9 years with a mandatory minimum fine of \$2,000 and a maximum fine of \$100,000. Where the child depicted is under the age of 13, a person who commits a violation of paragraph (6) of subsection (a) where the defendant has previously been convicted under the laws of this State or any other state of the offense of child pornography, aggravated child pornography, aggravated criminal sexual abuse, aggravated criminal sexual assault, predatory criminal sexual assault of a child, or any of the offenses formerly known as rape, deviate sexual assault, indecent liberties with a child, or aggravated indecent liberties with a child where the victim was under the age of 18 years or an offense that is substantially equivalent to those offenses, is guilty of a Class 1 felony with a mandatory minimum fine of \$1,000 and a maximum fine of \$100,000. The issue of whether the child depicted is under the age of 13 is an element of the offense to be resolved by the trier of fact. (97-0995)

IMPORTANT: For sentencing and alternative charging information see the **Sentencing Guide.**

Legislative History: This subsection was amended by Public Acts 97-0157, 97-0227; (Both Effective: 1-1-12) and by P. A. 97-0995. (Eff: 1-1-13).

This subsection was amended by Public Act 99-0143. Effective: 1-1-16.

CHARGE: Felony (Class 1)

BOND: Must be Set by Judge

720 ILCS 5/ 11-20.1(a)(6)

CHILD PORNOGRAPHY

In violation of SECTION 11-20.1(a)(6) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), with knowledge of the nature¹ thereof, possessed a videotape² of Dawn Smith, a child whom the defendant knew³ to be under the age of 18 years,⁴ which did show Dawn Smith actually⁵ engaging in an act of sexual penetration⁶ with Bob White.⁷

¹or contact; ²or photograph, film or other similar visual reproduction or depiction by computer; ³or reasonably should have known; ⁴or to be a person with a severe or profound intellectual disability (For definition see Appendix C); ⁵or by simulation; ⁶or conduct; ⁷or any person or animal

AFFIRMATIVE DEFENSE: It shall be an affirmative defense to a charge of child pornography that the defendant reasonably believed, under all of the circumstances, that the child was 18 years of age or older or that the person was not a person with a severe or profound intellectual disability severely or profoundly intellectually disabled person but only where, prior to the act or acts giving rise to a prosecution under this Section, he or she took some affirmative action or made a bonafide inquiry designed to ascertain whether the child was 18 years of age or older or that the person was not a person with a severe or profound intellectual disability severely or profoundly intellectually disabled person and his or her reliance upon the information so obtained was clearly reasonable. (Subsection (b) (1))

CHARGING AND SENTENCING NOTES: (1) If the violation does not involve a film, videotape, or other moving depiction, a violation of this subsection is a Class 3 felony with a mandatory minimum fine of \$1,000 and a maximum fine of \$100,000. If the violation involves a film, videotape, or other moving depiction, a violation of this subsection (a) is a Class 2 felony with a mandatory minimum fine of \$1,000 and a maximum fine of \$100,000. (2) (Editor's Note: This subsection was previously a stand-alone offence entitled "Aggravated Child Pornography) Where the child depicted is under the age of 13, a violation of paragraph (1), (2), (3), (4), (5), or (7) of subsection (a) is a Class X felony with a mandatory minimum fine of \$2,000 and a maximum fine of \$100,000. Where the child depicted is under the age of 13, a violation of paragraph (6) of subsection (a) is a Class 2 felony with a mandatory minimum fine of \$1,000 and a maximum fine of \$100,000. Where the child depicted is under the age of 13, a person who commits a violation of paragraph (1), (2), (3), (4), (5), or (7) of subsection (a) where the defendant has previously been convicted under the laws of this State or any other state of the offense of child pornography, aggravated child pornography, aggravated criminal sexual abuse, aggravated criminal sexual assault, predatory criminal sexual assault of a child, or any of the offenses formerly known as rape, deviate sexual assault, indecent liberties with a child, or aggravated indecent liberties with a child where the victim was under the age of 18 years or an offense that is substantially equivalent to those offenses, is guilty of a Class X felony for which the person shall be sentenced to a term of imprisonment of not less than 9 years with a mandatory minimum fine of \$2,000 and a maximum fine of \$100,000. Where the child depicted is under the age of 13, a person who commits a violation of paragraph (6) of subsection (a) where the defendant has previously been convicted under the laws of this State or any other state

of the offense of child pornography, aggravated child pornography, aggravated criminal sexual abuse, aggravated criminal sexual assault, predatory criminal sexual assault of a child, or any of the offenses formerly known as rape, deviate sexual assault, indecent liberties with a child, or aggravated indecent liberties with a child where the victim was under the age of 18 years or an offense that is substantially equivalent to those offenses, is guilty of a Class 1 felony with a mandatory minimum fine of \$1,000 and a maximum fine of \$100,000. The issue of whether the child depicted is under the age of 13 is an element of the offense to be resolved by the trier of fact. (97-0995) (2) The possession of each individual film, videotape, photograph, or other similar visual reproduction or depiction by computer in violation of this Section constitutes a single and separate violation. This subsection (a-5) does not apply to multiple copies of the same film, videotape, photograph, or other similar visual reproduction or depiction by computers that are identical to each other.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CONSTITUTIONALITY: This subsection survived a constitutional attack even though this Act’s definition of "Child" was found to be unconstitutional. People v. Alexander, 204 Ill. 2d 472 (2003).

Legislative History: This subsection was amended by Public Acts 97-0157, (Eff: 1-1-12); 97-0227 (Eff: 1-1-12), 97-0995 (Eff: 1-1-13) and by P. A. 97-0437. (Eff: 1-1-14).

This subsection was amended by Public Act 99-0143. Effective: 1-1-16.

CHARGE: Felony (Class 2) **BOND:** Must be Set by Judge

720 ILCS 5/ 11-20.1(a)(7)

CHILD PORNOGRAPHY

In violation of SECTION 11-20.1(a)(7) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant’s name), knowingly¹ solicited² Don Smith to provide Dawn Smith, a child under the age of 18 years³ to appear in a videotape⁴ in which Dawn Smith would be depicted actually⁵ engaging in an act of sexual penetration⁶ with Bob White.⁷

¹or intentionally or recklessly; ²or used, persuaded, induced, enticed or coerced; ³or to be a person with a severe or profound intellectual disability ⁴or photograph, film, stage play, live presentation, or other similar visual reproduction; ⁵or by simulation; ⁶or conduct; ⁷or any person or animal

AFFIRMATIVE DEFENSE: It shall be an affirmative defense to a charge of child pornography that the defendant reasonably believed, under all of the circumstances, that the child was 18 years of age or older or that the person was not a person with a severe or profound intellectual disability but only where, prior to the act or acts giving rise to a prosecution under

this Section, he or she took some affirmative action or made a bonafide inquiry designed to ascertain whether the child was 18 years of age or older or that the person was not a person with a severe or profound intellectual disability severely or profoundly intellectually disabled person and his or her reliance upon the information so obtained was clearly reasonable. (Subsection (b) (1))

CHARGING AND SENTENCING NOTES: (a) Section 11.20.1 lists certain alternative acts which may constitute child pornography. They include situations wherein a child under 18 years of age: 1. Actually, or by simulation, engaged in any act of sexual penetration or sexual conduct with any person or animal. 2. Actually or by simulation engaged in any act of sexual penetration or sexual conduct involving the sex organs of the child and the mouth, anus, or sex organs of another person or animal; or which involves the mouth, anus, or sex organs of the child and the sex organs of another person or animal. 3. Actually or by simulation engaged in any act of masturbation. 4. Actually or by simulation was portrayed as being the object of, or otherwise engaged in, any act of lewd fondling, touching, or caressing involving another person or animal. 5. Actually or by simulation engaged in any act of excretion or urination within a sexual context. 6. Actually or by simulation portrayed or depicted as bound, fettered, or subject to sadistic, masochistic, or sado-masochistic abuse in any sexual context. 7. Depicted or portrayed in any pose, posture or setting involving a lewd exhibition of the unclothed or transparently clothed genitals, pubic area, buttocks, or, if such person is female, a fully or partially developed breast of the child or other person. (b) If the violation does not involve a film, videotape, or other moving depiction, a violation of this subsection is a Class 1 felony with a mandatory minimum fine of \$2,000 and a maximum fine of \$100,000. If the violation involves a film, videotape, or other moving depiction, a violation of this subsection (a) is a Class X felony with a mandatory minimum fine of \$2,000 and a maximum fine of \$100,000. (c) Where the child depicted is under the age of 13, a violation of paragraph (1), (2), (3), (4), (5), or (7) of subsection (a) is a Class X felony with a mandatory minimum fine of \$2,000 and a maximum fine of \$100,000. Where the child depicted is under the age of 13, a violation of paragraph (6) of subsection (a) is a Class 2 felony with a mandatory minimum fine of \$1,000 and a maximum fine of \$100,000. Where the child depicted is under the age of 13, a person who commits a violation of paragraph (1), (2), (3), (4), (5), or (7) of subsection (a) where the defendant has previously been convicted under the laws of this State or any other state of the offense of child pornography, aggravated child pornography, aggravated criminal sexual abuse, aggravated criminal sexual assault, predatory criminal sexual assault of a child, or any of the offenses formerly known as rape, deviate sexual assault, indecent liberties with a child, or aggravated indecent liberties with a child where the victim was under the age of 18 years or an offense that is substantially equivalent to those offenses, is guilty of a Class X felony for which the person shall be sentenced to a term of imprisonment of not less than 9 years with a mandatory minimum fine of \$2,000 and a maximum fine of \$100,000. Where the child depicted is under the age of 13, a person who commits a violation of paragraph (6) of subsection (a) where the defendant has previously been convicted under the laws of this State or any other state of the offense of child pornography, aggravated child pornography, aggravated criminal sexual abuse, aggravated criminal sexual assault, predatory criminal sexual assault of a child, or any of the offenses formerly known as rape, deviate sexual assault, indecent liberties with a child, or aggravated indecent liberties with a child where the victim was under the age of 18 years or an offense that is substantially equivalent to those offenses, is guilty of a Class 1 felony with a mandatory minimum fine of \$1,000 and a maximum fine of \$100,000. The issue of whether the child depicted is under the age of 13 is an element of the offense to be resolved by the trier of fact. (97-0995)

CONSTITUTIONALITY NOTE: People v. Alexander, 204 Ill. 2d 472 (2003) declared this Act's definition of "Child" to be unconstitutional.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This subsection was amended by Public Acts 97-0157, 97-0227; (Both Eff: 1-1-12) and by P. A. 97-0995 and P. A. 97-1109. (BOTH Eff: 1-1-13).

This subsection was amended by Public Act 99-0143. Effective: 1-1-16.

CHARGE: Felony (Class 1)

BOND: Must be Set by Judge

720 ILCS 5/ 11-21(b)(1)(A)

DISTRIBUTION OF HARMFUL MATERIAL

In violation of SECTION 11-21(b)(1)(A) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowing that Don Smith was a minor under the age of 18 years,¹ knowingly sold² to Don Smith a magazine entitled HOW LOW CAN YOU GO, a publication that depicted nudity³ and which taken as a whole was harmful to minors.

¹or having failed to exercise reasonable care in ascertaining the true age of Don Smith;
²or lent, distributed, exhibited, depicted, or gave away; ³or sexual conduct or sado-masochistic abuse, or which contains explicit and detailed verbal descriptions or narrative accounts of sexual excitement, sexual conduct or sado-masochistic abuse, and which taken as a whole is harmful to minors

NOTE: A defendant also violates the provisions of this subsection when he (1) sells, lends, distributes or give away the following items: (b)(1)(B) a motion picture, show, or other presentation which depicts nudity, sexual conduct or sado-masochistic abuse and is harmful to minors; or (b)(1)(C) an admission ticket or pass to premises where there is exhibited or to be exhibited such a motion picture, show, or other presentation; or (b)(2) The defendant admits a minor to premises where there is exhibited or to be exhibited such a motion picture, show, or other presentation, knowing that the minor is a person under the age of 18 or failing to exercise reasonable care in ascertaining the person's age.

CHARGING NOTE: A person convicted of a second or subsequent violation of this Section shall be guilty of a Class 4 Felony. The charging instrument must state the prior conviction. See Appendix A for discussion.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - Laws 1967, p.2973 (August 14, 1967); Amended - P.A. 77-3628, 94-315, 95-983, 96-0280 and 96-1551, (Effective: 7-1-11.)

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

720 ILCS 5/ 11-21(f)

HARMFUL MATERIAL

In violation of SECTION 11-21(f) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), being a person under 18 years of age, knowingly¹ falsely stated² to Don Smith that he was not under 18 years of age³ with the intent of procuring⁴ a harmful material, a magazine entitled HOW LOW CAN YOU GO.⁵

¹or intentionally or recklessly; ²either orally or in writing; ³or presented or offered to Ray Fuller evidence of age and identity which was false or not his own; ⁴or ordering, obtaining, viewing, or attempting to procure or view; ⁵specify the harmful material (defined in Section 11-21(b))

NOTE: See Appendix B for discussion of necessity of alleging mental state.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This subsection was amended by Public Act 96-1551. (Effective: 7-1-11)

CHARGE: Misdemeanor (Class B)

BOND: \$1,500

720 ILCS 5/ 11-21(g)

HARMFUL MATERIAL

In violation of SECTION 11-21(g) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), being a person over 18 years of age, knowingly distributed to¹ Don Smith, a person who the defendant believed to be a minor, harmful material, a magazine entitled HOW LOW CAN YOU GO², and said defendant failed to exercise reasonable care in ascertaining the true age of Don Smith.

¹or sent, caused to be sent, exhibited to, or offered to distribute or exhibit to; ²specify the harmful material (defined in Section 11-21(b))

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGING NOTE: If the defendant utilized a computer web camera, cellular telephone, or any other type of device to manufacture the harmful material, then each offense is a Class 4 felony.

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

720 ILCS 5/ 11-23(a)

ILLEGAL POSTING OF INFORMATION OF AN INTERNET SITE

In violation of SECTION 11-23(a) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), a person at least 17 years of age, knowingly disclosed the e-mail address¹ of Dawn Smith, a person under 17 years of age, on an adult obscenity Internet site.²

¹or her name, address or telephone number; ²or on a child pornography Internet site

NOTE: For purposes of this Section: "Adult obscenity or child pornography Internet site" means a site on the Internet that contains material that is obscene as defined in Section 11-20 of this Code or that is child pornography as defined in Section 11-20.1 of this Code. "Internet" includes the World Wide Web, electronic mail, a news group posting or Internet file transfer.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created by Public Act 91-222 (Eff: 7-22-99). Amended by Public Act 96-1551. (Effective: 7-1-11)

CHARGE: Felony (Class 3)

BOND: Must be Set by Judge

720 ILCS 5/ 11-23(a-5)

ILLEGAL POSTING OF INFORMATION OF AN INTERNET SITE

In violation of SECTION 11-23(a-5) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly posted¹ on an adult obscenity Internet site² a photograph³ of Dawn Smith, a person under 18 years of age, without the knowledge and consent of Dawn Smith, and said photograph was not child pornography.

¹or placed, reproduced, or maintained; ²or on a child pornography Internet site; ³or video or digital image

NOTE: For purposes of this Section: "Adult obscenity or child pornography Internet site" means a site on the Internet that contains material that is obscene as defined in Section 11-20 of this Code or that is child pornography as defined in Section 11-20.1 of this Code. "Internet" includes the World Wide Web, electronic mail, a news group posting or Internet file transfer.

NOTE: This provision applies even if the person under 18 years of age is fully or properly clothed in the photograph, video, or digital image.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This subsection was amended by Public Act 96-1551. (Effective: 7-1-11)

CHARGE: Felony (Class 4) **BOND:** Must be Set by Judge

720 ILCS 5/ 11-23(a-10)

ILLEGAL POSTING OF INFORMATION OF AN INTERNET SITE

In violation of SECTION 11-23(a-10) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly posted¹ on an adult obscenity Internet site² a photograph³ of Dawn Smith, a person under 18 years of age, without the knowledge and consent of Dawn Smith, and in said photograph Dawn Smith was posed in a suggestive manner with the focus⁴ of the image on Dawn Smith's clothed genitals⁵ and said photograph³ was not child pornography.

¹or placed, reproduced, or maintained; ²or on a child pornography Internet site; ³or video or digital image; ⁴or concentration; ⁵or clothed pubic area, clothed buttocks area, or if the child is a female, the breast exposed through transparent clothing

NOTE: For purposes of this Section: "Adult obscenity or child pornography Internet site" means a site on the Internet that contains material that is obscene as defined in Section 11-20 of this Code or that is child pornography as defined in Section 11-20.1 of this Code. "Internet" includes the World Wide Web, electronic mail, a news group posting or Internet file transfer.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This subsection was amended by Public Act 96-1551. (Effective: 7-1-11)

CHARGE: Felony (Class 3) **BOND:** Must be Set by Judge

720 ILCS 5/ 11-23(a-10)

ILLEGAL POSTING OF INFORMATION OF AN INTERNET SITE

In violation of SECTION 11-23(a-10) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly posted¹ on an adult obscenity Internet site² a photograph³ of Dawn Smith, a person under 18 years of age, without the knowledge and consent of Dawn Smith, and in said photograph Dawn Smith was posed in a suggestive manner with the focus⁴ of the image on Dawn Smith's clothed genitals⁵ and said photograph³ was not child pornography.

¹or placed, reproduced, or maintained; ²or on a child pornography Internet site; ³or video or digital image; ⁴or concentration; ⁵or clothed pubic area, clothed buttocks area, or if the child is a female, the breast exposed through transparent clothing

NOTE: For purposes of this Section: "Adult obscenity or child pornography Internet site" means a site on the Internet that contains material that is obscene as defined in Section 11-20 of this Code or that is child pornography as defined in Section 11-20.1 of this Code. "Internet" includes the World Wide Web, electronic mail, a news group posting or Internet file transfer.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This subsection was amended by Public Act 96-1551. (Effective: 7-1-11)

CHARGE: Felony (Class 3)

BOND: Must be Set by Judge

720 ILCS 5/ 11-24(b)(3)

CHILD PHOTOGRAPHY BY A CHILD SEX OFFENDER

In violation of SECTION 11-24(b)(3) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), a child sex offender, knowingly photographed¹ Dawn Smith, a child, without the permission of the parent² of Dawn Smith.

¹or videotaped or took a digital image of; ²or guardian

NOTE: For purposes of this offense, a "child" is defined as a person under 18 years of age.

CHARGING NOTE: A person who violates this Section at a playground, park facility, school, forest preserve, day care facility, or at a facility providing programs or services directed to persons under 17 years of age is guilty of a Class 1 felony.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created by Public Act 95-0983 (Eff: 6-1-09).

CHARGE: Felony (Class 2)

BOND: Must be Set by Judge

720 ILCS 5/ 11-25

UNLAWFUL GROOMING

In violation of SECTION 11-25 of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly used a computer on-line service¹ to seduce² Donnie Smith, a child,³ to commit the offense of Aggravated Criminal Sexual Abuse in violation of Section 12-16 of the Illinois Criminal Code⁴ in that (describe the conduct that would constitute the offense).

¹or Internet service, local bulletin board service, or any other device capable of electronic data storage or transmission; ²or solicit, lure, or entice; ³or a child's guardian, or another person believed by the person to be a child or a child's guardian; ⁴or to commit any sex offense as defined in Section 2 of the Sex Offender Registration Act, to distribute photographs depicting the sex organs of the child, or to otherwise engage in any unlawful sexual conduct with a child or with another person believed by the person to be a child.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created by Public Act 95-0901 (Eff: 1-1-09). This subsection was recently amended by Public Act 98-0919. Effective: 1-1-15.

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 5/ 11-26

TRAVELING TO MEET A MINOR

In violation of SECTION 11-26 of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly¹ traveled within Illinois² for the purpose of engaging in the offense of Criminal Sexual Abuse in violation of Section 12-16 of the Illinois Criminal Code³ with Donnie Smith, a child,⁴ after said defendant used a computer on-line service⁵ to seduce⁶ Donnie Smith, a child,⁷ for that purpose.

¹or intentionally or recklessly; ²or traveled any distance either within this State, to this State, or from this State by any means, or attempted to do so, or caused another to do so or attempt to do so; ³or for the purpose of engaging in any sex offense as defined in Section 2 of the Sex Offender Registration Act or to otherwise engage in any unlawful sexual conduct with a child or with another person believed by the person to be a child; ⁴or with another person believed by the person to be a child or a child's guardian; ⁵or an Internet service, local bulletin board service, or any other device capable of electronic data storage or transmission; ⁶or to solicit, lure, or entice or to attempt to do so; ⁷or a child's guardian, or another person believed by the person to be a child or a child's guardian

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created by Public Act 95-0901 (Eff: 1-1-09).

CHARGE: Felony (Class 3)

BOND: Must be Set by Judge

720 ILCS 5/ 11-30(a)(1)

PUBLIC INDECENCY

In violation of SECTION 11-30(a)(1) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), a person of the age of 17 years and upwards, at a public place, the corner of East Street and West Avenue, in the city of Union City, Union County, Illinois, knowingly¹ engaged in an act of sexual conduct² with the intent to arouse his sexual desires in that he (describe the conduct).

¹or intentionally or recklessly; ²acts which may constitute Public Indecency include: 1. An act of sexual penetration or sexual conduct as defined in Section 11-0.1 of this Code.
2. A lewd exposure of the body done with the intent to arouse or to satisfy the sexual desire of the person.

NOTE: "Public Place" means any place where the conduct may reasonably be expected to be viewed by others. (720 ILCS 5/11-30(b))

NOTE: Breast-feeding of infants is not an act of public indecency. (11-30(a)(1))

NOTE: See Appendix B for discussion of necessity of alleging mental state.

CHARGING NOTE: Public indecency is a Class 4 felony if committed by a person 18 years of age or older who is on or within 500 feet of elementary or secondary school grounds when children are present on the grounds. A person convicted of a third or subsequent violation of this offense is guilty of a Class 4 felony. The charging instrument must state the prior conviction. See Appendix A for discussion.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Codified - Laws 1961, p.1983 (January 1, 1962); Amended - Laws 1963, p.1225; Laws 1967, p.3510; P.A.s 77-2638, 83-1067, 89-58, 91-115, 96-1098 and re-numbered by 96-1551. (Effective: 7-1-11).

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

720 ILCS 5/ 11-30(a)(2)

PUBLIC INDECENCY

In violation of SECTION 11-30(a)(2) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), a person of the age of 17 years and upwards, at a public place, the corner of East Street and West Avenue, in the city of Union City, Union County, Illinois, knowingly¹ exposed his sex organ in a lewd manner² with the intent to arouse his sexual desires.

- ¹or intentionally or recklessly; ²Acts which may constitute Public Indecency include: 1. An act of sexual penetration or sexual conduct as defined in Section 12-12 of this Code.
- 2. A lewd exposure of the body done with the intent to arouse or to satisfy the sexual desire of the person.

NOTE: "Public Place" means any place where the conduct may reasonably be expected to be viewed by others. (720 ILCS 5/1-30(b))

NOTE: Breast-feeding of infants is not an act of public indecency. (11-30(a)(1))

NOTE: See Appendix B for discussion of necessity of alleging mental state.

CHARGING NOTE: Public indecency is a Class 4 felony if committed by a person 18 years of age or older who is on or within 500 feet of elementary or secondary school grounds when children are present on the grounds. A person convicted of a third or subsequent violation of this offense is guilty of a Class 4 felony. The charging instrument must state the prior conviction. See Appendix A for discussion.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This subsection was amended by Public Act 96-1551. (Effective: 7-1-11)

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

Intentionally Blank