

1 AN ACT concerning criminal law.

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

4 Section 5. The Criminal Code of 1961 is amended by
5 adding Section 11-20.3 as follows:

6 (720 ILCS 5/11-20.3 new)

7 Sec. 11-20.3. Knowing dissemination of obscene material
8 to a minor by computer.

9 (a) A person commits the offense of knowing
10 dissemination of obscene material to a minor by computer who:

11 (1) knows the character and content of a
12 communication that, in whole or in part, depicts actual
13 or simulated sexual intercourse with any person or
14 animal, any act of actual or simulated sexual contact
15 involving the sex organs of any person or animal, any act
16 of actual or simulated masturbation, any act of actual or
17 simulated lewd fondling or caressing, any act of actual
18 or simulated sadistic, masochistic, or sadomasochistic
19 abuse in any sexual context, or any lewd exhibition of
20 the unclothed genitals, pubic area, buttocks, or female
21 breast of any person;

22 (2) initiates the communication, by computer or
23 otherwise, with a person known to the defendant, by
24 computer or otherwise, to be a minor under the age of 18;
25 and

26 (3) disseminates the communication to the minor by
27 computer, the Internet, the World Wide Web, or other
28 commercial or noncommercial on-line service.

29 (b) Admissibility of evidence. In any prosecution for
30 an offense under this Section evidence is admissible to show:

31 (1) The character of the audience for which the

1 communication was designed or to which it was directed.

2 (2) What the predominant appeal of the
3 communication would be for ordinary adults or a special
4 audience, and what effect, if any, it would probably have
5 on the behavior of those people.

6 (3) The artistic, literary, scientific, educational
7 or other merits of the communication, or absence of those
8 merits.

9 (4) The degree, if any, of public acceptance of the
10 communication in this State.

11 (5) Appeal to prurient interest, or absence of that
12 appeal, in advertising or other promotion of the
13 communication.

14 (6) Purpose of the author, creator, publisher, or
15 disseminator.

16 (c) Affirmative defense. In any prosecution for knowing
17 dissemination of obscene material to a minor by computer, it
18 is an affirmative defense if all of the following are proven:
19 (1) the defendant made a reasonable effort to ascertain the
20 true age of the minor; (2) the defendant was unable to do so
21 as a result of actions taken by the minor; and (3) the
22 defendant made no attempt to conceal his or her true age or
23 identity.

24 (d) Sentence. Knowing dissemination of obscene material
25 to a minor by computer is a Class 4 felony.