

**TITLE 11: PEACE AND SAFETY
CHAPTER 3: SEX OFFENSES**

SECTION:

- 11-3-1: Definitions**
- 11-3-2: Public Indecency**
- 11-3-3: Prostitution**
- 11-3-4: Soliciting for a Prostitute**
- 11-3-5: Patronizing a Prostitute**
- 11-3-6: Promoting Prostitution**
- 11-3-7: Obscenity**
- 11-3-8: Harmful Material**
- 11-3-9: Penalty**

11-3-1:DEFINITIONS

- Harmful To Minors** Quality of any description or representation, in whatever form, of nudity, sexual conduct, sexual excitement, or sado-masochistic abuse, when, taken as a whole it 1) predominantly appeals to the prurient interest in sex of minors, 2) is patently offensive to prevailing standards in the adult community in the State as a whole with respect to what is suitable material for minors, and 3) lacks serious literary, artistic, political, or scientific value for minors.
- Knowingly** Having knowledge of the contents of the subject matter, or recklessly failing to exercise reasonable inspection which would have disclosed the contents.
- Material** 1) Any picture, photograph, drawing, sculpture, film, video game, computer game, video or similar visual depiction, including any such representation or image which is stored electronically, or 2) any book, magazine, printed matter how ever reproduced , or recorded audio of any sort.
- Minor** Any person under the age of eighteen (18).
- Nudity** The showing of the human male or female genitals, pubic area or buttocks with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state.
- Obscene** 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, 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 stimulated, or masturbation, excretory functions or lewd exhibition of the genitals, and 3) taken as a whole, it lacks serious literary, artistic, political or scientific value.
- Public Place** Any place where the conduct is or may reasonably be expected to be viewed by others.
- Sado-Masochistic Abuse** Flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume or the condition of being fettered, bound or otherwise

physically restrained on the part of one clothes for sexual gratification or stimulation.

Sexual Conduct

Acts of masturbation, sexual intercourse, or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks or if such person be a female, a breast.

Sexual Excitement

The condition of human male or female genitals when in a state of sexual stimulation or arousal.

11-3-2: PUBLIC INDECENCY

Any person of the age of seventeen (17) years and upwards who performs the following act in a public place commits a public indecency:

- A. An act of sexual penetration or sexual conduct; or
- B. A lewd exposure of the body done with intent to arouse or to satisfy the sexual desire of the person. Breast-feeding of infants is not an act of public indecency.

11-3-3: PROSTITUTION

Any person who knowingly performs, offers or agrees to perform any act of sexual penetration as defined in 720 ILCS 5/11-0.1 of the Illinois Compiled Statutes (or any successor statute) for anything of value, or any touching or fondling of the sex organs of one person by another, for anything of value, for the purpose of sexual arousal or gratification commits an act of prostitution.

11-3-4: SOLICITING FOR A PROSTITUTE

Any person who knowingly performs any of the following acts commits soliciting for a prostitute:

- A. Solicits another for the purpose of prostitution; or
- B. Arranges or offers to arrange a meeting of persons for the purpose of prostitution; or
- C. Directs another to a place knowing such direction is for the purpose of prostitution.

11-3-5: PATRONIZING A PROSTITUTE

Any person who knowingly performs any of the following acts commits the offense of patronizing a prostitute:

- A. Engages in an act of sexual penetration as defined in 720 ILCS 5/11-0.1 of the Illinois Compiled Statutes, with a prostitute; or
- B. Enters or remains in a place of prostitution with intent to engage in an act of sexual penetration as defined in 720 ILCS 5/11-0.1 of the Illinois Compiled Statutes.
- C. Engages, with a prostitute, in any touching or fondling of the sex organs of one person by the other person, with the intent to achieve sexual arousal or gratification.

11-3-6: PROMOTING PROSTITUTION

Any person who profits from prostitution by knowingly performing any of the following acts commits promoting prostitution:

- A. Compels a person to become a prostitute; or
- B. Arranges or offers to arrange a situation in which a person may practice prostitution

11-3-7: OBSCENITY

A person commits obscenity when, with the knowledge of the nature or content thereof, or recklessly failing to exercise reasonable inspection which would have disclosed the nature or content thereof he or she:

- A. Sells, delivers or provides, or offers or agrees to sell, deliver or provide any obscene writing, picture, record, or other representation or embodiment of the obscene; or
- B. Presents or directs an obscene play, dance or other performance or participates directly in that portion thereof which makes it obscene; or
- C. Publishes, exhibits or otherwise makes available anything obscene; or
- D. Performs an obscene act or otherwise presents an obscene exhibition of his or her body for gain; or
- E. Creates, buys, procures or possesses obscene matter or material with intent to disseminate it in violation of this Section, or of the penal laws or regulations of any other jurisdiction; or
- F. Advertises or otherwise promotes the sale of material represented or held out by the person to be obscene, whether or not it is obscene.

11-3-8: HARMFUL MATERIAL:

A person is guilty of distributing harmful material to a minor when he or she knowingly:

- A. Sells, lends, distributes, exhibits to, depicts to, or gives away to a minor, knowing that the minor is under the age of eighteen (18) or failing to exercise reasonable care in ascertaining the person's true age:
 - 1. Any material which depicts nudity, 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; or
 - 2. A motion picture, show, or other presentation which depicts nudity, sexual conduct, or sado-masochistic abuse and is harmful to minors; or
- B. Admits a minor to premises where there is exhibited or to be exhibited such a motion picture, show, or other presentation, which depicts nudity, sexual conduct, or sado-masochistic abuse and is harmful to minors knowing that the minor is a person under the age of eighteen (s) or failing to exercise reasonable care in ascertaining the person's true age.

11-3-9: PENALTY

Any person violating any provisions of this Chapter shall be subject to the fine set forth in the Comprehensive Fine/Penalty Schedule of the Code described in Title 1, Chapter 17