

SB3579



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB3579

Introduced 2/14/2020, by Sen. Melinda Bush

SYNOPSIS AS INTRODUCED:

720 ILCS 5/11-1.70

was 720 ILCS 5/12-17

Amends the Criminal Code of 2012. Provides that consent is not a viable defense if the victim is a client or patient and the accused is a health care provider or mental health care provider charged with criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, criminal sexual abuse, or aggravated criminal sexual abuse and the act of sexual conduct or sexual penetration occurs during a treatment session, consultation, interview, or examination.

LRB101 20000 RLC 69527 b

A BILL FOR

1 AN ACT concerning criminal law.

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

4 Section 5. The Criminal Code of 2012 is amended by changing
5 Section 11-1.70 as follows:

6 (720 ILCS 5/11-1.70) (was 720 ILCS 5/12-17)

7 Sec. 11-1.70. Defenses with respect to offenses described
8 in Sections 11-1.20 through 11-1.60.

9 (a) It shall be a defense to any offense under Section
10 11-1.20, 11-1.30, 11-1.40, 11-1.50, or 11-1.60 of this Code
11 where force or threat of force is an element of the offense
12 that the victim consented. "Consent" means a freely given
13 agreement to the act of sexual penetration or sexual conduct in
14 question. Lack of verbal or physical resistance or submission
15 by the victim resulting from the use of force or threat of
16 force by the accused shall not constitute consent. The manner
17 of dress of the victim at the time of the offense shall not
18 constitute consent.

19 (b) It shall be a defense under subsection (b) and
20 subsection (c) of Section 11-1.50 and subsection (d) of Section
21 11-1.60 of this Code that the accused reasonably believed the
22 person to be 17 years of age or over.

23 (c) A person who initially consents to sexual penetration

1 or sexual conduct is not deemed to have consented to any sexual
2 penetration or sexual conduct that occurs after he or she
3 withdraws consent during the course of that sexual penetration
4 or sexual conduct.

5 (d) Consent is not a viable defense if the victim is a
6 client or patient and the accused is a health care provider or
7 mental health care provider charged with an offense described
8 in Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, or 11-1.60 and
9 the act of sexual conduct or sexual penetration occurs during a
10 treatment session, consultation, interview, or examination.

11 (Source: P.A. 96-1551, eff. 7-1-11.)