



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB4593

Introduced 1/21/2022, by Rep. Chris Bos, Chris Miller, Norine K. Hammond, Keith R. Wheeler, Blaine Wilhour, et al.

SYNOPSIS AS INTRODUCED:

720 ILCS 5/11-14.1

Amends the Criminal Code of 2012. Deletes provision that 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. Provides that solicitation of a sexual act from a person who is under the age of 18 or whom the solicitor of the sexual act reasonably believes to be under the age of 18 is a Class 4 felony.

LRB102 24397 RLC 33631 b

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
5 changing Section 11-14.1 as follows:

6 (720 ILCS 5/11-14.1)

7 Sec. 11-14.1. Solicitation of a sexual act.

8 (a) Any person who offers a person not his or her spouse
9 any money, property, token, object, or article or anything of
10 value for that person or any other person not his or her spouse
11 to perform any act of sexual penetration as defined in Section
12 11-0.1 of this Code, or any touching or fondling of the sex
13 organs of one person by another person for the purpose of
14 sexual arousal or gratification, commits solicitation of a
15 sexual act.

16 (b) Sentence. Solicitation of a sexual act is a Class A
17 misdemeanor. Solicitation of a sexual act from a person who is
18 under the age of 18 or whom the solicitor of the sexual act
19 reasonably believes to be under the age of 18 or who is a
20 person with a severe or profound intellectual disability is a
21 Class 4 felony. If the court imposes a fine under this
22 subsection (b), it shall be collected and distributed to the
23 Specialized Services for Survivors of Human Trafficking Fund

1 in accordance with Section 5-9-1.21 of the Unified Code of
2 Corrections.

3 (b-5) (Blank). ~~It is an affirmative defense to a charge of~~
4 ~~solicitation of a sexual act with a person who is under the age~~
5 ~~of 18 or who is a person with a severe or profound intellectual~~
6 ~~disability that the accused reasonably believed the person was~~
7 ~~of the age of 18 years or over or was not a person with a~~
8 ~~severe or profound intellectual disability at the time of the~~
9 ~~act giving rise to the charge.~~

10 (c) This Section does not apply to a person engaged in
11 prostitution who is under 18 years of age.

12 (d) A person cannot be convicted under this Section if the
13 practice of prostitution underlying the offense consists
14 exclusively of the accused's own acts of prostitution under
15 Section 11-14 of this Code.

16 (Source: P.A. 98-1013, eff. 1-1-15; 99-143, eff. 7-27-15.)