



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4306

Introduced 1/16/2024, by Rep. Paul Jacobs

SYNOPSIS AS INTRODUCED:

720 ILCS 5/11-1.70

was 720 ILCS 5/12-17

Amends the Criminal Code of 2012. In regards to the offenses of criminal sexual abuse and aggravated criminal sexual abuse involving victims under 17 years of age, provides that the following factors do not serve independently as a defense: (1) a statement by the victim that he or she is 17 years of age or over; (2) the presence of the victim on a social media platform that requires participants to be 17 years of age or over; or (3) attendance of the victim in an educational activity such as a high school trade program or community college class that would generally be attended only by someone 17 years of age or over.

LRB103 35641 RLC 65716 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 11-1.70 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; certain factors not an
9 independent defense to a reasonable belief that the victim was
10 17 years of age or over.

11 (a) It shall be a defense to any offense under Section
12 11-1.20, 11-1.30, 11-1.40, 11-1.50, or 11-1.60 of this Code
13 where force or threat of force is an element of the offense
14 that the victim consented.

15 (b) It shall be a defense under subsection (b) and
16 subsection (c) of Section 11-1.50 and subsection (d) of
17 Section 11-1.60 of this Code that the accused reasonably
18 believed the person to be 17 years of age or over. The
19 following factors do not serve independently as a defense:

20 (1) a statement by the victim that he or she is 17
21 years of age or over;

22 (2) the presence of the victim on a social media
23 platform that requires participants to be 17 years of age

1 or over; or
2 (3) attendance of the victim in an educational
3 activity such as a high school trade program or community
4 college class that would generally be attended only by
5 someone 17 years of age or over.

6 (c) A person who initially consents to sexual penetration
7 or sexual conduct is not deemed to have consented to any sexual
8 penetration or sexual conduct that occurs after he or she
9 withdraws consent during the course of that sexual penetration
10 or sexual conduct.

11 (Source: P.A. 102-567, eff. 1-1-22.)