

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 changing Section 12-17 as follows:

6 (720 ILCS 5/12-17) (from Ch. 38, par. 12-17)  
7 Sec. 12-17. Defenses.

8 (a) If the victim was 17 years of age or over at the  
9 time of the commission of the offense, it shall be a defense  
10 to any offense under Section 12-13 through 12-16 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  
14 in question. Lack of verbal or physical resistance or  
15 submission by the victim resulting from the use of force or  
16 threat of force by the accused shall not constitute consent.  
17 The manner of dress of the victim at the time of the offense  
18 shall not constitute consent.

19 (b) It shall be a defense under subsection (b) and  
20 subsection (c) of Section 12-15 and subsection (d) of Section  
21 12-16 of this Code that the accused reasonably believed the  
22 person to be 17 years of age or over.

23 (Source: P.A. 87-438; 87-457; 87-895.)