

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

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

21 (c) A victim may not be deemed to have consented to an  
22 act of sexual penetration or sexual conduct if the victim  
23 initially consented to the sexual penetration or sexual  
24 conduct and later withdraws consent if the accused continues  
25 the act of sexual penetration or sexual conduct after the  
26 victim withdraws consent.

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

28 Section 99. Effective date. This Act takes effect upon  
29 becoming law.