



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB5809

Introduced 07/28/06, by Rep. Tom Cross

SYNOPSIS AS INTRODUCED:

720 ILCS 5/11-6

from Ch. 38, par. 11-6

Amends the Criminal Code of 1961. Provides that a person of the age of 17 years and upwards commits the offense of indecent solicitation of a child if the person, by means of the Internet, discusses actual or simulated sex acts with a child or with one whom he or she believes to be a child. Provides that it is not a defense to this provision that the person did not solicit the child to perform a sex act with the person. Provides that a violation of this provision is a Class 4 felony. Effective March 1, 2007.

LRB094 21110 RLC 59439 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

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 changing
5 Section 11-6 as follows:

6 (720 ILCS 5/11-6) (from Ch. 38, par. 11-6)

7 Sec. 11-6. Indecent solicitation of a child.

8 (a) A person of the age of 17 years and upwards commits the
9 offense of indecent solicitation of a child if the person, with
10 the intent that the offense of aggravated criminal sexual
11 assault, criminal sexual assault, predatory criminal sexual
12 assault of a child, or aggravated criminal sexual abuse be
13 committed, knowingly solicits a child or one whom he or she
14 believes to be a child to perform an act of sexual penetration
15 or sexual conduct as defined in Section 12-12 of this Code.

16 (a-5) A person of the age of 17 years and upwards commits
17 the offense of indecent solicitation of a child if the person,
18 by means of the Internet, discusses actual or simulated sex
19 acts with a child or with one whom he or she believes to be a
20 child.

21 (a-6) It is not a defense to subsection (a-5) that the
22 person did not solicit the child to perform a sex act with the
23 person.

24 (b) Definitions. As used in this Section:

25 "Solicit" means to command, authorize, urge, incite,
26 request, or advise another to perform an act by any means
27 including, but not limited to, in person, over the phone,
28 in writing, by computer, or by advertisement of any kind.

29 "Child" means a person under 17 years of age.

30 "Internet" means an interactive computer service or
31 system or an information service, system, or access
32 software provider that provides or enables computer access

1 by multiple users to a computer server, and includes, but
2 is not limited to, an information service, system, or
3 access software provider that provides access to a network
4 system commonly known as the Internet, or any comparable
5 system or service and also includes, but is not limited to,
6 a World Wide Web page, newsgroup, message board, mailing
7 list, or chat area on any interactive computer service or
8 system or other online service.

9 "Sex act" means an act of sexual penetration or sexual
10 conduct as defined in Section 12-12 of this Code.

11 (c) Sentence. Indecent solicitation of a child under
12 subsection (a) is:

13 (1) a Class 1 felony when the act, if done, would be
14 predatory criminal sexual assault of a child or aggravated
15 criminal sexual assault;

16 (2) a Class 2 felony when the act, if done, would be
17 criminal sexual assault;

18 (3) a Class 3 felony when the act, if done, would be
19 aggravated criminal sexual abuse.

20 Indecent solicitation of a child under subsection (a-5) is
21 a Class 4 felony.

22 (Source: P.A. 91-226, eff. 7-22-99.)

23 Section 99. Effective date. This Act takes effect March 1,
24 2007.