



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB1317

Introduced 2/18/2009, by Rep. Dennis M. Reboletti - Bob Biggins

SYNOPSIS AS INTRODUCED:

720 ILCS 5/11-6

from Ch. 38, par. 11-6

Amends the Criminal Code of 1961. Provides that a person who commits the offense of indecent solicitation of a child by the knowing use of a computer on-line service, Internet service, local bulletin board service, or any other device capable of electronic data storage or transmission and misrepresents his or her age to the child or one whom he or she believes to be a child is guilty of a felony offense that is one class higher than the penalty for the same conduct committed without using a computer on-line service, Internet service, local bulletin board service, or any other device capable of electronic data storage or transmission.

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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 knowingly discusses an act of sexual conduct or sexual
19 penetration with a child or with one whom he or she believes to
20 be a child by means of the Internet with the intent that the
21 offense of aggravated criminal sexual assault, predatory
22 criminal sexual assault of a child, or aggravated criminal
23 sexual abuse be committed.

1 (a-6) It is not a defense to subsection (a-5) that the
2 person did not solicit the child to perform sexual conduct or
3 sexual penetration with the person.

4 (a-7) A person of the age of 17 years and upwards commits
5 the offense of indecent solicitation of a child if the person
6 knowingly uses a computer on-line service, Internet service,
7 local bulletin board service, or any other device capable of
8 electronic data storage or transmission to violate subsection
9 (a) of this Section and misrepresents his or her age to the
10 child or one whom he or she believes to be a child.

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

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

16 "Computer", "on-line", and "Internet" have the
17 meanings ascribed to them in Section 16J-5 of this Code.

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

19 "Internet" means an interactive computer service or
20 system or an information service, system, or access
21 software provider that provides or enables computer access
22 by multiple users to a computer server, and includes, but
23 is not limited to, an information service, system, or
24 access software provider that provides access to a network
25 system commonly known as the Internet, or any comparable
26 system or service and also includes, but is not limited to,

1 a World Wide Web page, newsgroup, message board, mailing
2 list, or chat area on any interactive computer service or
3 system or other online service.

4 "Sexual penetration" or "sexual conduct" are defined
5 in Section 12-12 of this Code.

6 (c) Sentence. (1) Indecent solicitation of a child under
7 subsection (a) is:

8 (A) ~~(1)~~ a Class 1 felony when the act, if done, would
9 be predatory criminal sexual assault of a child or
10 aggravated criminal sexual assault;

11 (B) ~~(2)~~ a Class 2 felony when the act, if done, would
12 be criminal sexual assault;

13 (C) ~~(3)~~ a Class 3 felony when the act, if done, would
14 be aggravated criminal sexual abuse.

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

17 (2) Indecent solicitation of a child under subsection (a-7)
18 is:

19 (A) a Class X felony when the act, if done, would be
20 predatory criminal sexual assault of a child or aggravated
21 criminal sexual assault;

22 (B) a Class 1 felony when the act, if done, would be
23 criminal sexual assault;

24 (C) a Class 2 felony when the act, if done, would be
25 aggravated criminal sexual abuse.

26 (Source: P.A. 95-143, eff. 1-1-08.)