



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

**HB5090**

Introduced 2/7/2012, by Rep. Sidney H. Mathias

#### 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 online 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.

LRB097 18139 RLC 63363 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

A BILL FOR

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  
9 indecent solicitation of a child if the person, with the intent  
10 that the offense of aggravated criminal sexual assault,  
11 criminal sexual assault, predatory criminal sexual assault of a  
12 child, or aggravated criminal sexual abuse be committed,  
13 knowingly solicits a child or one whom he or she believes to be  
14 a child to perform an act of sexual penetration or sexual  
15 conduct as defined in Section 11-0.1 of this Code.

16 (a-5) A person of the age of 17 years and upwards commits  
17 indecent solicitation of a child if the person knowingly  
18 discusses an act of sexual conduct or sexual penetration with a  
19 child or with one whom he or she believes to be a child by means  
20 of the Internet with the intent that the offense of aggravated  
21 criminal sexual assault, predatory criminal sexual assault of a  
22 child, or aggravated criminal sexual abuse be committed.

23 (a-6) It is not a defense to subsection (a-5) that the

1 person did not solicit the child to perform sexual conduct or  
2 sexual penetration with the person.

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

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

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

15 "Computer", "online", and "Internet" have the meanings  
16 ascribed to them in Section 16-0.1 of this Code.

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

18 "Internet" has the meaning set forth in Section 16J-5  
19 of this Code.

20 "Sexual penetration" or "sexual conduct" are defined  
21 in Section 11-0.1 of this Code.

22 (c) Sentence. (1) Indecent solicitation of a child under  
23 subsection (a) is:

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

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

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

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

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

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

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

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

16           (Source: P.A. 95-143, eff. 1-1-08; 96-1551, eff. 7-1-11.)