

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 person who initially consents to sexual
22 penetration or sexual conduct is not deemed to have consented
23 to any sexual penetration or sexual conduct that occurs after
24 he or she withdraws consent during the course of that sexual
25 penetration or sexual conduct.

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

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