



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB4379

Introduced 1/21/2022, by Rep. Paul Jacobs

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/11-14.1

Amends the Criminal Code of 2012. Deletes provision that it is an affirmative defense to a charge of solicitation of a sexual act with a person who is under the age of 18 or who is a person with a severe or profound intellectual disability that the accused reasonably believed the person was of the age of 18 years or over or was not a person with a severe or profound intellectual disability at the time of the act giving rise to the charge.

LRB102 21794 RLC 30914 b

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 2012 is amended by  
5 changing Section 11-14.1 as follows:

6 (720 ILCS 5/11-14.1)

7 Sec. 11-14.1. Solicitation of a sexual act.

8 (a) Any person who offers a person not his or her spouse  
9 any money, property, token, object, or article or anything of  
10 value for that person or any other person not his or her spouse  
11 to perform any act of sexual penetration as defined in Section  
12 11-0.1 of this Code, or any touching or fondling of the sex  
13 organs of one person by another person for the purpose of  
14 sexual arousal or gratification, commits solicitation of a  
15 sexual act.

16 (b) Sentence. Solicitation of a sexual act is a Class A  
17 misdemeanor. Solicitation of a sexual act from a person who is  
18 under the age of 18 or who is a person with a severe or  
19 profound intellectual disability is a Class 4 felony. If the  
20 court imposes a fine under this subsection (b), it shall be  
21 collected and distributed to the Specialized Services for  
22 Survivors of Human Trafficking Fund in accordance with Section  
23 5-9-1.21 of the Unified Code of Corrections.

1           (b-5) (Blank). ~~It is an affirmative defense to a charge of~~  
2 ~~solicitation of a sexual act with a person who is under the age~~  
3 ~~of 18 or who is a person with a severe or profound intellectual~~  
4 ~~disability that the accused reasonably believed the person was~~  
5 ~~of the age of 18 years or over or was not a person with a~~  
6 ~~severe or profound intellectual disability at the time of the~~  
7 ~~act giving rise to the charge.~~

8           (c) This Section does not apply to a person engaged in  
9 prostitution who is under 18 years of age.

10           (d) A person cannot be convicted under this Section if the  
11 practice of prostitution underlying the offense consists  
12 exclusively of the accused's own acts of prostitution under  
13 Section 11-14 of this Code.

14           (Source: P.A. 98-1013, eff. 1-1-15; 99-143, eff. 7-27-15.)