



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB4380

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

SYNOPSIS AS INTRODUCED:

720 ILCS 5/11-1.70

was 720 ILCS 5/12-17

Amends the Criminal Code of 2012. In regards to the offenses of criminal sexual abuse and aggravated criminal sexual abuse involving victims under 17 years of age, provides that the following factors do not serve independently as a defense: (1) a statement by the victim that he or she is 17 years of age or over; (2) the presence of the victim on a social media platform that requires participants to be 17 years of age or over; or (3) attendance of the victim in an educational activity such as a high school trade program or community college class that would generally be attended only by someone 17 years of age or over.

LRB102 22260 RLC 31393 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 11-1.70 as follows:

6 (720 ILCS 5/11-1.70) (was 720 ILCS 5/12-17)

7 (Text of Section before amendment by P.A. 102-567)

8 Sec. 11-1.70. Defenses with respect to offenses described
9 in Sections 11-1.20 through 11-1.60.

10 (a) It shall be a defense to any offense under Section
11 11-1.20, 11-1.30, 11-1.40, 11-1.50, or 11-1.60 of this Code
12 where force or threat of force is an element of the offense
13 that the victim consented. "Consent" means a freely given
14 agreement to the act of sexual penetration or sexual conduct
15 in question. Lack of verbal or physical resistance or
16 submission by the victim resulting from the use of force or
17 threat of force by the accused shall not constitute consent.
18 The manner of dress of the victim at the time of the offense
19 shall not constitute consent.

20 (b) It shall be a defense under subsection (b) and
21 subsection (c) of Section 11-1.50 and subsection (d) of
22 Section 11-1.60 of this Code that the accused reasonably
23 believed the person to be 17 years of age or over.

1 (c) A person who initially consents to sexual penetration
2 or sexual conduct is not deemed to have consented to any sexual
3 penetration or sexual conduct that occurs after he or she
4 withdraws consent during the course of that sexual penetration
5 or sexual conduct.

6 (Source: P.A. 96-1551, eff. 7-1-11.)

7 (Text of Section after amendment by P.A. 102-567)

8 Sec. 11-1.70. Defenses with respect to offenses described
9 in Sections 11-1.20 through 11-1.60; certain factors not an
10 independent defense to a reasonable belief that the victim was
11 17 years of age or over.

12 (a) It shall be a defense to any offense under Section
13 11-1.20, 11-1.30, 11-1.40, 11-1.50, or 11-1.60 of this Code
14 where force or threat of force is an element of the offense
15 that the victim consented.

16 (b) It shall be a defense under subsection (b) and
17 subsection (c) of Section 11-1.50 and subsection (d) of
18 Section 11-1.60 of this Code that the accused reasonably
19 believed the person to be 17 years of age or over. The
20 following factors do not serve independently as a defense:

21 (1) a statement by the victim that he or she is 17
22 years of age or over;

23 (2) the presence of the victim on a social media
24 platform that requires participants to be 17 years of age
25 or over; or

1 (3) attendance of the victim in an educational
2 activity such as a high school trade program or community
3 college class that would generally be attended only by
4 someone 17 years of age or over.

5 (c) A person who initially consents to sexual penetration
6 or sexual conduct is not deemed to have consented to any sexual
7 penetration or sexual conduct that occurs after he or she
8 withdraws consent during the course of that sexual penetration
9 or sexual conduct.

10 (Source: P.A. 102-567, eff. 1-1-22.)

11 Section 95. No acceleration or delay. Where this Act makes
12 changes in a statute that is represented in this Act by text
13 that is not yet or no longer in effect (for example, a Section
14 represented by multiple versions), the use of that text does
15 not accelerate or delay the taking effect of (i) the changes
16 made by this Act or (ii) provisions derived from any other
17 Public Act.