



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB4420

Introduced 1/6/2006, by Rep. Linda Chapa LaVia

SYNOPSIS AS INTRODUCED:

720 ILCS 5/11-6.5

730 ILCS 5/5-9-1.6

from Ch. 38, par. 1005-9-1.6

Amends the Criminal Code of 1961 relating to the offense of indecent solicitation of an adult. Provides that arranging for a person 17 years of age or over to commit an act of sexual conduct with a person 13 years of age or older but under the age of 17 years of age is a Class 4 felony for a first offense and a Class 3 felony for a second or subsequent offense (rather than a Class A misdemeanor). Amends the Unified Code of Corrections. Provides for the assessment of an additional \$10 fine for the offense of indecent solicitation of an adult. Provides that the additional fine shall be deposited into the Domestic Violence Shelter and Service Fund in the State treasury.

LRB094 16592 RLC 51853 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL 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 11-6.5 as follows:

6 (720 ILCS 5/11-6.5)

7 Sec. 11-6.5. Indecent solicitation of an adult.

8 (a) A person commits indecent solicitation of an adult if
9 the person:

10 (1) Arranges for a person 17 years of age or over to
11 commit an act of sexual penetration as defined in Section
12 12-12 with a person:

13 (i) Under the age of 13 years; or

14 (ii) Thirteen years of age or over but under the
15 age of 17 years; or

16 (2) Arranges for a person 17 years of age or over to
17 commit an act of sexual conduct as defined in Section 12-12
18 with a person:

19 (i) Under the age of 13 years; or

20 (ii) Thirteen years of age or older but under the
21 age of 17 years.

22 (b) Sentence.

23 (1) Violation of paragraph (a)(1)(i) is a Class X
24 felony.

25 (2) Violation of paragraph (a)(1)(ii) is a Class 1
26 felony.

27 (3) Violation of paragraph (a)(2)(i) is a Class 2
28 felony.

29 (4) Violation of paragraph (a)(2)(ii) is a Class 4
30 felony for a first offense and a Class 3 felony for a
31 second or subsequent offense ~~A misdemeanor.~~

32 (c) For the purposes of this Section, "arranges" includes

1 but is not limited to oral or written communication and
2 communication by telephone, computer, or other electronic
3 means. "Computer" has the meaning ascribed to it in Section
4 16D-2 of this Code.

5 (Source: P.A. 88-165; 89-203, eff. 7-21-95.)

6 Section 10. The Unified Code of Corrections is amended by
7 changing Section 5-9-1.6 as follows:

8 (730 ILCS 5/5-9-1.6) (from Ch. 38, par. 1005-9-1.6)

9 Sec. 5-9-1.6. Fine for domestic battery and indecent
10 solicitation of an adult ~~Domestic Battery~~. There shall be added
11 to every penalty imposed in sentencing for the offense of
12 domestic battery and for the offense of indecent solicitation
13 of an adult an additional fine in the amount of \$10 to be
14 imposed upon a plea of guilty, stipulation of facts or finding
15 of guilty resulting in a judgment of conviction or order of
16 supervision.

17 Such additional amount shall be assessed by the court
18 imposing sentence and shall be collected by the Circuit Clerk
19 in addition to the fine, if any, and costs in the case. Each
20 such additional penalty shall be remitted by the Circuit Clerk
21 within one month after receipt to the State Treasurer for
22 deposit into the Domestic Violence Shelter and Service Fund.
23 The Circuit Clerk shall retain 10% of such penalty to cover the
24 costs incurred in administering and enforcing this Section.
25 Such additional penalty shall not be considered a part of the
26 fine for purposes of any reduction in the fine for time served
27 either before or after sentencing.

28 Not later than March 1 of each year the Clerk of the
29 Circuit Court shall submit to the State Comptroller a report of
30 the amount of funds remitted by him to the State Treasurer
31 under this Section during the preceding calendar year. Except
32 as otherwise provided by Supreme Court Rules, if a court in
33 sentencing an offender levies a gross amount for fine, costs,
34 fees and penalties, the amount of the additional penalty

1 provided for herein shall be collected from the amount
2 remaining after deducting from the gross amount levied all fees
3 of the Circuit Clerk, the State's Attorney and the Sheriff.
4 After deducting from the gross amount levied the fees and
5 additional penalty provided for herein, less any other
6 additional penalties provided by law, the clerk shall remit the
7 net balance remaining to the entity authorized by law to
8 receive the fine imposed in the case. For purposes of this
9 Section "fees of the Circuit Clerk" shall include, if
10 applicable, the fee provided for under Section 27.3a of the
11 Clerks of Courts Act and the fee, if applicable, payable to the
12 county in which the violation occurred under Section 5-1101 of
13 the Counties Code.

14 (Source: P.A. 87-480; 87-895.)