



Filed: 3/22/2007

09500HB1979ham002

LRB095 09506 RLC 34137 a

1 AMENDMENT TO HOUSE BILL 1979

2 AMENDMENT NO. _____. Amend House Bill 1979 by replacing
3 lines 4 through 23 on page 1 and all of pages 2, 3, 4, 5, 6, 7,
4 8, and 9, and lines 1 and 2 on page 10 with the following:

5 "Section 5. The Criminal Code of 1961 is amended by adding
6 Section 10-5.1 as follows:

7 (720 ILCS 5/10-5.1 new)

8 Sec. 10-5.1. Luring of a minor.

9 (a) A person commits the offense of luring of a minor when
10 the offender is 21 years of age or older and knowingly contacts
11 or communicates electronically to the minor:

12 (1) knowing the minor is under 15 years of age;

13 (2) with the intent to persuade, lure or transport the
14 minor away from his or her home, or other location known by
15 the minor's parent or legal guardian to be the place where
16 the minor is to be located;

1 (3) without the express consent of the person's parent
2 or legal guardian;

3 (4) with the intent to avoid the consent of the
4 person's parent or legal guardian; and

5 (5) is a stranger to the parents or legal guardian of
6 the minor.

7 (b) A person commits the offense of luring of a minor when
8 the offender is at least 18 years of age but under 21 years of
9 age and knowingly contacts or communicates electronically to
10 the minor:

11 (1) knowing the minor is under 15 years of age;

12 (2) with the intent to persuade, lure, or transport the
13 minor away from his or her home or other location known by
14 the minor's parent or legal guardian, to be the place where
15 the minor is to be located;

16 (3) for an unlawful purpose;

17 (4) without the express consent of the person's parent
18 or legal guardian;

19 (5) with the intent to avoid the express consent of the
20 person's parent or legal guardian;

21 (6) after so communicating, commits any act in
22 furtherance of the intent; and

23 (7) is a stranger to the parents or legal guardian of
24 the minor.

25 (c) Definitions. For purposes of this Section:

26 (1) "Emergency situation" means a situation in which

1 the minor is threatened with imminent bodily harm,
2 emotional harm or psychological harm.

3 (2) "Express consent" means oral or written permission
4 that is positive, direct, and unequivocal, requiring no
5 inference or implication to supply its meaning.

6 (3) "Contacts or communicates electronically" includes
7 but is not limited to, any attempt to make contact or
8 communicate telephonically or through the Internet or text
9 messages.

10 (4) "Luring" shall mean any knowing act to solicit,
11 entice, tempt, or attempt to attract the minor.

12 (5) "Minor" shall mean any person under the age of 15.

13 (6) "Stranger" shall have its common and ordinary
14 meaning, including but not limited to, a person over 21
15 years of age that is either not known by the parents of the
16 minor or does not have any association with the parents of
17 the minor.

18 (7) "Unlawful purpose" shall mean any violation of
19 State law or a similar federal or sister state law or local
20 ordinance.

21 (d) This Section may not be interpreted to criminalize an
22 act or person contacting a minor within the scope and course of
23 his employment, or status as a volunteer of a recognized civic,
24 charitable or youth organization.

25 (e) This Section is intended to protect minors and to help
26 parents and legal guardians exercise reasonable care,

1 supervision, protection, and control over minor children.

2 (f) Affirmative defenses.

3 (1) It shall be an affirmative defense to any offense
4 under this Section 10-5.1 that the accused reasonably
5 believed that the minor was over the age of 15.

6 (2) It shall be an affirmative defense to any offense
7 under this Section 10-5.1 that the accused is assisting the
8 minor in an emergency situation.

9 (3) It shall not be a defense to the prosecution of any
10 offense under this Section 10-5.1 if the person who is
11 contacted by the offender is posing as a minor and is in
12 actuality an adult law enforcement officer.

13 (g) Penalties.

14 (1) A first offense of luring of a minor under
15 subsection (a) shall be a Class 4 felony. A person
16 convicted of luring of a minor under subsection (a) shall
17 undergo a sex offender evaluation prior to a sentence being
18 imposed. An offense of luring of a minor under subsection
19 (a) when a person has a prior conviction in Illinois of a
20 sex offense as defined in the Sex Offender Registration
21 Act, or any substantially similar federal, Uniform Code of
22 Military Justice, sister state, or foreign government
23 offense, is guilty of a Class 2 felony.

24 (2) A first offense of luring of a minor under
25 subsection (b) is a Class B misdemeanor.

26 (3) A second or subsequent offense of luring of a minor

1 under subsection (a) is a Class 3 felony. A second or
2 subsequent offense of luring of a minor under subsection
3 (b) is a Class 4 felony. A second or subsequent offense
4 when a person has a prior conviction in Illinois of a sex
5 offense as defined in the Sex Offender Registration Act, or
6 any substantially similar federal, Uniform Code of
7 Military Justice, sister state, or foreign government
8 offense, is a Class 1 felony. A defendant convicted a
9 second time of an offense under subsection (a) or (b) shall
10 register as a sexual predator of children pursuant to the
11 Sex Offender Registration Act.

12 (4) A third or subsequent offense is a Class 1 felony.
13 A third or subsequent offense when a person has a prior
14 conviction in Illinois of a sex offense as defined in the
15 Sex Offender Registration Act, or any substantially
16 similar federal, Uniform Code of Military Justice, sister
17 state, or foreign government offense, is a Class X felony.

18 (h) For violations of subsection (a), jurisdiction shall be
19 established if the transmission that constitutes the offense
20 either originates in this State or is received in this State
21 and does not apply to emergency situations. For violations of
22 subsection (b), jurisdiction shall be established in any county
23 where the act in furtherance of the commission of the offense
24 is committed, in the county where the minor resides, or in the
25 county where the offender resides."