



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB4878

by Rep. Dennis M. Reboletti - Bob Biggins - James H. Meyer -
Renée Kosel - Brent Hassert, et al.

SYNOPSIS AS INTRODUCED:

720 ILCS 5/11-6

from Ch. 38, par. 11-6

Amends the Criminal Code of 1961. Provides that a person who commits the offense of indecent solicitation of a child by the knowing use of a computer on-line service, Internet service, local bulletin board service, or any other device capable of electronic data storage or transmission and misrepresents his or her age to the child or one whom he or she believes to be a child is guilty of a felony offense that is one class higher than the penalty for the same conduct committed without using a computer on-line service, Internet service, local bulletin board service, or any other device capable of electronic data storage or transmission.

LRB095 12802 RLC 38194 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

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 as follows:

6 (720 ILCS 5/11-6) (from Ch. 38, par. 11-6)

7 Sec. 11-6. Indecent solicitation of a child.

8 (a) A person of the age of 17 years and upwards commits the
9 offense of indecent solicitation of a child if the person, with
10 the intent that the offense of aggravated criminal sexual
11 assault, criminal sexual assault, predatory criminal sexual
12 assault of a child, or aggravated criminal sexual abuse be
13 committed, knowingly solicits a child or one whom he or she
14 believes to be a child to perform an act of sexual penetration
15 or sexual conduct as defined in Section 12-12 of this Code.

16 (a-5) A person of the age of 17 years and upwards commits
17 the offense of indecent solicitation of a child if the person
18 knowingly uses a computer on-line service, Internet service,
19 local bulletin board service, or any other device capable of
20 electronic data storage or transmission to violate subsection
21 (a) of this Section and misrepresents his or her age to the
22 child or one whom he or she believes to be a child.

23 (b) Definitions. As used in this Section:

1 "Solicit" means to command, authorize, urge, incite,
2 request, or advise another to perform an act by any means
3 including, but not limited to, in person, over the phone,
4 in writing, by computer, or by advertisement of any kind.

5 "Computer", "on-line", and "Internet" have the
6 meanings ascribed to them in Section 16J-5 of this Code.

7 "Child" means a person under 17 years of age.

8 (c) Sentence. (1) Indecent solicitation of a child under
9 subsection (a) of this Section is:

10 (A) ~~(1)~~ a Class 1 felony when the act, if done, would
11 be predatory criminal sexual assault of a child or
12 aggravated criminal sexual assault;

13 (B) ~~(2)~~ a Class 2 felony when the act, if done, would
14 be criminal sexual assault;

15 (C) ~~(3)~~ a Class 3 felony when the act, if done, would
16 be aggravated criminal sexual abuse.

17 (2) Indecent solicitation of a child under subsection (a-5)
18 is:

19 (A) a Class X felony when the act, if done, would be
20 predatory criminal sexual assault of a child or aggravated
21 criminal sexual assault;

22 (B) a Class 1 felony when the act, if done, would be
23 criminal sexual assault;

24 (C) a Class 2 felony when the act, if done, would be
25 aggravated criminal sexual abuse.

26 (Source: P.A. 91-226, eff. 7-22-99.)