

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 discusses an act of sexual conduct or sexual  
19 penetration with a child or with one whom he or she believes to  
20 be a child by means of the Internet with the intent that the  
21 offense of aggravated criminal sexual assault, predatory  
22 criminal sexual assault of a child, or aggravated criminal  
23 sexual abuse be committed.

1 (a-6) It is not a defense to subsection (a-5) that the  
2 person did not solicit the child to perform sexual conduct or  
3 sexual penetration with the person.

4 (a-7) A person of the age of 17 years and upwards commits  
5 the offense of indecent solicitation of a child if the person  
6 knowingly uses a computer on-line service, Internet service,  
7 local bulletin board service, or any other device capable of  
8 electronic data storage or transmission to violate subsection  
9 (a) of this Section and misrepresents his or her age to the  
10 child or one whom he or she believes to be a child.

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

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

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

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

19 "Internet" means an interactive computer service or  
20 system or an information service, system, or access  
21 software provider that provides or enables computer access  
22 by multiple users to a computer server, and includes, but  
23 is not limited to, an information service, system, or  
24 access software provider that provides access to a network  
25 system commonly known as the Internet, or any comparable  
26 system or service and also includes, but is not limited to,

1 a World Wide Web page, newsgroup, message board, mailing  
2 list, or chat area on any interactive computer service or  
3 system or other online service.

4 "Sexual penetration" or "sexual conduct" are defined  
5 in Section 12-12 of this Code.

6 (c) Sentence. (1) Indecent solicitation of a child under  
7 subsection (a) is:

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

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

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

15 Indecent solicitation of a child under subsection (a-5) is  
16 a Class 4 felony.

17 (2) Indecent solicitation of a child under subsection (a-7)  
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. 95-143, eff. 1-1-08.)