

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
9 indecent solicitation of a child if the person, with the intent
10 that the offense of aggravated criminal sexual assault,
11 criminal sexual assault, predatory criminal sexual assault of a
12 child, or aggravated criminal sexual abuse be committed,
13 knowingly solicits a child or one whom he or she believes to be
14 a child to perform an act of sexual penetration or sexual
15 conduct as defined in Section 11-0.1 of this Code.

16 (a-5) A person of the age of 17 years and upwards commits
17 indecent solicitation of a child if the person knowingly
18 discusses an act of sexual conduct or sexual penetration with a
19 child or with one whom he or she believes to be a child by means
20 of the Internet with the intent that the offense of aggravated
21 criminal sexual assault, predatory criminal sexual assault of a
22 child, or aggravated criminal sexual abuse be committed.

23 (a-6) It is not a defense to subsection (a-5) that the

1 person did not solicit the child to perform sexual conduct or
2 sexual penetration with the person.

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

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

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

15 "Computer", "online", and "Internet" have the meanings
16 ascribed to them in Section 16-0.1 of this Code.

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

18 "Internet" has the meaning set forth in Section 16J-5
19 of this Code.

20 "Sexual penetration" or "sexual conduct" are defined
21 in Section 11-0.1 of this Code.

22 (c) Sentence. (1) Indecent solicitation of a child under
23 subsection (a) is:

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

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

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

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

7 (2) Indecent solicitation of a child under subsection (a-7)
8 is:

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

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

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

16 (Source: P.A. 95-143, eff. 1-1-08; 96-1551, eff. 7-1-11.)