

9.00
SEX OFFENSES

9.01
Definition Of Indecent Solicitation Of A Child

[1] A person of the age of 17 years or older commits the offense of indecent solicitation of a child when, with the intent that the offense of [(aggravated criminal sexual assault) (criminal sexual assault) (predatory criminal sexual assault of a child) (aggravated criminal sexual abuse)] be committed, he knowingly solicits [(a child under the age of 17 years) (one whom he believes to be a child under the age of 17 years)] to perform an act of sexual [(penetration) (conduct)].

[or]

[2] A person of the age of 17 years or older commits the offense of indecent solicitation of a child when, with the intent that the offense of [(aggravated criminal sexual assault) (predatory criminal sexual assault of a child) (aggravated criminal sexual abuse)] be committed, he knowingly discusses an act of sexual [(conduct) (penetration)] with [(a child under the age of 17 years) (one whom he believes to be a child under the age of 17 years)] by means of the Internet.

[It is not a defense to this offense that the person did not solicit the child to perform an act of sexual [(conduct) (penetration)] with the person.]

Committee Note

Instruction and Committee Note Approved January 18, 2013.

720 ILCS 5/11-6 (West 2013) (formerly Ill.Rev.Stat. ch. 38, § 11-6 (1991)), amended by P.A. 91-226, § 5, effective July 22, 1999; P.A. 95-143, § 5, effective January 1, 2008; P.A. 96-1551, Art. 2, § 5, effective July 1, 2011.

This Instruction has been revised to conform with the rewriting and amendment of 720 ILCS 5/11-6 (West 1999), as acknowledged by the Illinois Appellate Court in *People v. Carter*, 405 Ill.App.3d 246, 939 N.E.2d 46 (1st Dist. 2010). Public Act 91-226, section 5, effective July 22, 1999, rewrote Section 11-6 by adding the elements of intent and knowledge, changing the age range of potential victims to children under the age of 17, and deleting the provision that it was not a defense that the accused reasonably believed the child to be of the age of 13 years and upwards. Public Act 95-143, section 5, effective January 1, 2008, added subsections concerning a person knowingly discussing an act of sexual conduct or sexual penetration with a child by means of the Internet.

Give Instruction 9.02.

When applicable, give Instruction 11.57 defining “aggravated criminal sexual assault”.

When applicable, give Instruction 11.55 defining “criminal sexual assault”.

When applicable, give Instruction 11.103 defining “predatory criminal sexual assault of a child”.

When applicable, give Instruction 11.61 defining “aggravated criminal sexual abuse”.

When applicable, give Instruction 9.01C defining “solicit”.

When applicable, give Instruction 11.65E defining “sexual penetration”.

When applicable, give Instruction 11.65D defining “sexual conduct”.

When applicable, give Instruction 4.27 defining “access”.

When applicable, give Instruction 4.32 defining “computer”.

When applicable, give Instruction 4.38 defining “Internet”.

When applicable, give Instruction 4.48 defining “online”.

When applicable, give Instruction 4.69 defining “wireless device”.

The offense option of criminal sexual assault cannot be used with alternative [2]. See 720 ILCS 5/11-6(a-5) (West 2013).

It is also not a defense to Section 11-6(a-5) that the person did not solicit the child to perform sexual conduct or sexual penetration with the person. See 720 ILCS 5/11-6(a-6) (West 2013). When this issue is raised and the person is charged under Section 11-6(a-5), the committee suggests giving the last-bracketed sentence with alternative [2].

Use applicable bracketed material.

The brackets and numbers are present solely for the guidance of court and counsel and should not be included in the instruction submitted to the jury.