

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
5 changing Section 12-17 as follows:

6 (720 ILCS 5/12-17) (from Ch. 38, par. 12-17)
7 Sec. 12-17. Defenses.

8 (a) If the victim was 17 years of age or over at the
9 time of the commission of the offense, it shall be a defense
10 to any offense under Section 12-13 through 12-16 of this Code
11 where force or threat of force is an element of the offense
12 that the victim consented. "Consent" means a freely given
13 agreement to the act of sexual penetration or sexual conduct
14 in question. Lack of verbal or physical resistance or
15 submission by the victim resulting from the use of force or
16 threat of force by the accused shall not constitute consent.
17 The manner of dress of the victim at the time of the offense
18 shall not constitute consent.

19 (b) It shall be a defense under subsection (b) and
20 subsection (c) of Section 12-15 and subsection (d) of Section
21 12-16 of this Code that the accused reasonably believed the
22 person to be 17 years of age or over.

23 (Source: P.A. 87-438; 87-457; 87-895.)

24 Section 99. Effective date. This Act takes effect upon
25 becoming law.