

9.01B
Belief Of Age No Defense To Indecent Solicitation Of A Child

It is not a defense to the charge of indecent solicitation of a child that the defendant reasonably believed the child to be of the age of 13 years or older.

Committee Note

Amended Instruction and Committee Note Approved January 18, 2013.

720 ILCS 5/11-6(b) (West 1999) (formerly Ill.Rev.Stat. ch. 38, § 11-6(b) (1991)).

This Committee Note has been edited 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. Consequently, Instruction 9.01B, concerning the accused's belief about the child's age being 13 years and upwards, should only be used for offenses committed before July 22, 1999.