

8.26A
Defenses To Luring A Minor

It is a defense to the charge of luring a minor that:

[1] the defendant reasonably believed that the minor was over the age of 15.

[or]

[2] the defendant was assisting the minor in an emergency situation.

Committee Notes

725 ILCS 5/10-5.1(f)(1) & 725 ILCS 5/10-5.1(f)(2) (West 2020)

Give this instruction when either defense is raised.

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.

Under 725 ILCS 5/10-5.1(f)(2), it is an affirmative defense to a charge of luring a minor that the defendant was assisting the minor in an emergency situation. The State must prove beyond a reasonable doubt that the defendant acted with an unlawful purpose. If some evidence is presented that the defendant was assisting the minor in an emergency situation, give the bracketed material in the Fourth Proposition regarding an emergency situation.