

HB3663



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB3663

by Rep. Barbara Wheeler

SYNOPSIS AS INTRODUCED:

720 ILCS 5/11-1.30

was 720 ILCS 5/12-14

Amends the Criminal Code of 2012. Provides that a person also commits aggravated criminal sexual assault if that person is 17 years of age or over and commits an act of sexual penetration with a victim who is at least 13 years of age but under 17 years of age and the person uses force or threat of force to commit the act. Provides that the penalty is a Class X felony.

LRB100 08872 RLC 19015 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

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 2012 is amended by changing
5 Section 11-1.30 as follows:

6 (720 ILCS 5/11-1.30) (was 720 ILCS 5/12-14)

7 Sec. 11-1.30. Aggravated Criminal Sexual Assault.

8 (a) A person commits aggravated criminal sexual assault if
9 that person commits criminal sexual assault and any of the
10 following aggravating circumstances exist during the
11 commission of the offense or, for purposes of paragraph (7),
12 occur as part of the same course of conduct as the commission
13 of the offense:

14 (1) the person displays, threatens to use, or uses a
15 dangerous weapon, other than a firearm, or any other object
16 fashioned or used in a manner that leads the victim, under
17 the circumstances, reasonably to believe that the object is
18 a dangerous weapon;

19 (2) the person causes bodily harm to the victim, except
20 as provided in paragraph (10);

21 (3) the person acts in a manner that threatens or
22 endangers the life of the victim or any other person;

23 (4) the person commits the criminal sexual assault

1 during the course of committing or attempting to commit any
2 other felony;

3 (5) the victim is 60 years of age or older;

4 (6) the victim is a person with a physical disability;

5 (7) the person delivers (by injection, inhalation,
6 ingestion, transfer of possession, or any other means) any
7 controlled substance to the victim without the victim's
8 consent or by threat or deception for other than medical
9 purposes;

10 (8) the person is armed with a firearm;

11 (9) the person personally discharges a firearm during
12 the commission of the offense; or

13 (10) the person personally discharges a firearm during
14 the commission of the offense, and that discharge
15 proximately causes great bodily harm, permanent
16 disability, permanent disfigurement, or death to another
17 person.

18 (b) A person commits aggravated criminal sexual assault if
19 that person is under 17 years of age and: (i) commits an act of
20 sexual penetration with a victim who is under 9 years of age;
21 or (ii) commits an act of sexual penetration with a victim who
22 is at least 9 years of age but under 13 years of age and the
23 person uses force or threat of force to commit the act.

24 (b-5) A person commits aggravated criminal sexual assault
25 if that person is 17 years of age or over and commits an act of
26 sexual penetration with a victim who is at least 13 years of

1 age but under 17 years of age and the person uses force or
2 threat of force to commit the act.

3 (c) A person commits aggravated criminal sexual assault if
4 that person commits an act of sexual penetration with a victim
5 who is a person with a severe or profound intellectual
6 disability.

7 (d) Sentence.

8 (1) Aggravated criminal sexual assault in violation of
9 paragraph (2), (3), (4), (5), (6), or (7) of subsection (a)
10 or in violation of subsection (b), (b-5), or (c) is a Class
11 X felony. A violation of subsection (a)(1) is a Class X
12 felony for which 10 years shall be added to the term of
13 imprisonment imposed by the court. A violation of
14 subsection (a)(8) is a Class X felony for which 15 years
15 shall be added to the term of imprisonment imposed by the
16 court. A violation of subsection (a)(9) is a Class X felony
17 for which 20 years shall be added to the term of
18 imprisonment imposed by the court. A violation of
19 subsection (a)(10) is a Class X felony for which 25 years
20 or up to a term of natural life imprisonment shall be added
21 to the term of imprisonment imposed by the court. An
22 offender under the age of 18 years at the time of the
23 commission of aggravated criminal sexual assault in
24 violation of paragraphs (1) through (10) of subsection (a)
25 shall be sentenced under Section 5-4.5-105 of the Unified
26 Code of Corrections.

1 (2) A person who has attained the age of 18 years at
2 the time of the commission of the offense and who is
3 convicted of a second or subsequent offense of aggravated
4 criminal sexual assault, or who is convicted of the offense
5 of aggravated criminal sexual assault after having
6 previously been convicted of the offense of criminal sexual
7 assault or the offense of predatory criminal sexual assault
8 of a child, or who is convicted of the offense of
9 aggravated criminal sexual assault after having previously
10 been convicted under the laws of this or any other state of
11 an offense that is substantially equivalent to the offense
12 of criminal sexual assault, the offense of aggravated
13 criminal sexual assault or the offense of predatory
14 criminal sexual assault of a child, shall be sentenced to a
15 term of natural life imprisonment. The commission of the
16 second or subsequent offense is required to have been after
17 the initial conviction for this paragraph (2) to apply. An
18 offender under the age of 18 years at the time of the
19 commission of the offense covered by this paragraph (2)
20 shall be sentenced under Section 5-4.5-105 of the Unified
21 Code of Corrections.

22 (Source: P.A. 99-69, eff. 1-1-16; 99-143, eff. 7-27-15; 99-642,
23 eff. 7-28-16.)