



Sen. James F. Clayborne, Jr.

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LRB100 09942 RLC 23620 a

1 AMENDMENT TO SENATE BILL 1715

2 AMENDMENT NO. _____. Amend Senate Bill 1715 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 2012 is amended by
5 changing Section 3-6 as follows:

6 (720 ILCS 5/3-6) (from Ch. 38, par. 3-6)

7 Sec. 3-6. Extended limitations. The period within which a
8 prosecution must be commenced under the provisions of Section
9 3-5 or other applicable statute is extended under the following
10 conditions:

11 (a) A prosecution for theft involving a breach of a
12 fiduciary obligation to the aggrieved person may be commenced
13 as follows:

14 (1) If the aggrieved person is a minor or a person
15 under legal disability, then during the minority or legal
16 disability or within one year after the termination

1 thereof.

2 (2) In any other instance, within one year after the
3 discovery of the offense by an aggrieved person, or by a
4 person who has legal capacity to represent an aggrieved
5 person or has a legal duty to report the offense, and is
6 not himself or herself a party to the offense; or in the
7 absence of such discovery, within one year after the proper
8 prosecuting officer becomes aware of the offense. However,
9 in no such case is the period of limitation so extended
10 more than 3 years beyond the expiration of the period
11 otherwise applicable.

12 (b) Except as otherwise provided in subsection (b-1) of
13 this Section, a A prosecution for any offense based upon
14 misconduct in office by a public officer or employee may be
15 commenced within one year after discovery of the offense by a
16 person having a legal duty to report such offense, or in the
17 absence of such discovery, within one year after the proper
18 prosecuting officer becomes aware of the offense. However, in
19 no such case is the period of limitation so extended more than
20 3 years beyond the expiration of the period otherwise
21 applicable.

22 (b-1) A prosecution for any offense based upon an act or
23 omission of a member of a law enforcement agency or department
24 that the victim or any person legally standing in the place of
25 the victim can show was a contributing factor to the filing of
26 a criminal charge, conviction, or incarceration of the victim

1 may be commenced within 2 years of the offense, or in the
2 absence of the discovery, within 2 years after the proper
3 prosecuting officer becomes aware of the offense. However, in
4 no such case is the period of limitation so extended more than
5 4 years beyond the expiration of the period otherwise
6 applicable.

7 (b-5) When the victim is under 18 years of age at the time
8 of the offense, a prosecution for involuntary servitude,
9 involuntary sexual servitude of a minor, or trafficking in
10 persons and related offenses under Section 10-9 of this Code
11 may be commenced within one year of the victim attaining the
12 age of 18 years. However, in no such case shall the time period
13 for prosecution expire sooner than 3 years after the commission
14 of the offense.

15 (c) (Blank).

16 (d) A prosecution for child pornography, aggravated child
17 pornography, indecent solicitation of a child, soliciting for a
18 juvenile prostitute, juvenile pimping, exploitation of a
19 child, or promoting juvenile prostitution except for keeping a
20 place of juvenile prostitution may be commenced within one year
21 of the victim attaining the age of 18 years. However, in no
22 such case shall the time period for prosecution expire sooner
23 than 3 years after the commission of the offense. When the
24 victim is under 18 years of age, a prosecution for criminal
25 sexual abuse may be commenced within one year of the victim
26 attaining the age of 18 years. However, in no such case shall

1 the time period for prosecution expire sooner than 3 years
2 after the commission of the offense.

3 (e) Except as otherwise provided in subdivision (j), a
4 prosecution for any offense involving sexual conduct or sexual
5 penetration, as defined in Section 11-0.1 of this Code, where
6 the defendant was within a professional or fiduciary
7 relationship or a purported professional or fiduciary
8 relationship with the victim at the time of the commission of
9 the offense may be commenced within one year after the
10 discovery of the offense by the victim.

11 (f) A prosecution for any offense set forth in Section 44
12 of the "Environmental Protection Act", approved June 29, 1970,
13 as amended, may be commenced within 5 years after the discovery
14 of such an offense by a person or agency having the legal duty
15 to report the offense or in the absence of such discovery,
16 within 5 years after the proper prosecuting officer becomes
17 aware of the offense.

18 (f-5) A prosecution for any offense set forth in Section
19 16-30 of this Code may be commenced within 5 years after the
20 discovery of the offense by the victim of that offense.

21 (g) (Blank).

22 (h) (Blank).

23 (i) Except as otherwise provided in subdivision (j), a
24 prosecution for criminal sexual assault, aggravated criminal
25 sexual assault, or aggravated criminal sexual abuse may be
26 commenced within 10 years of the commission of the offense if

1 the victim reported the offense to law enforcement authorities
2 within 3 years after the commission of the offense.

3 Nothing in this subdivision (i) shall be construed to
4 shorten a period within which a prosecution must be commenced
5 under any other provision of this Section.

6 (i-5) A prosecution for armed robbery, home invasion,
7 kidnapping, or aggravated kidnaping may be commenced within 10
8 years of the commission of the offense if it arises out of the
9 same course of conduct and meets the criteria under one of the
10 offenses in subsection (i) of this Section.

11 (j) (1) When the victim is under 18 years of age at the
12 time of the offense, a prosecution for criminal sexual assault,
13 aggravated criminal sexual assault, predatory criminal sexual
14 assault of a child, aggravated criminal sexual abuse, or felony
15 criminal sexual abuse may be commenced at any time when
16 corroborating physical evidence is available or an individual
17 who is required to report an alleged or suspected commission of
18 any of these offenses under the Abused and Neglected Child
19 Reporting Act fails to do so.

20 (2) In circumstances other than as described in paragraph
21 (1) of this subsection (j), when the victim is under 18 years
22 of age at the time of the offense, a prosecution for criminal
23 sexual assault, aggravated criminal sexual assault, predatory
24 criminal sexual assault of a child, aggravated criminal sexual
25 abuse, or felony criminal sexual abuse, or a prosecution for
26 failure of a person who is required to report an alleged or

1 suspected commission of any of these offenses under the Abused
2 and Neglected Child Reporting Act may be commenced within 20
3 years after the child victim attains 18 years of age.

4 (3) When the victim is under 18 years of age at the time of
5 the offense, a prosecution for misdemeanor criminal sexual
6 abuse may be commenced within 10 years after the child victim
7 attains 18 years of age.

8 (4) Nothing in this subdivision (j) shall be construed to
9 shorten a period within which a prosecution must be commenced
10 under any other provision of this Section.

11 (j-5) A prosecution for armed robbery, home invasion,
12 kidnapping, or aggravated kidnaping may be commenced at any
13 time if it arises out of the same course of conduct and meets
14 the criteria under one of the offenses in subsection (j) of
15 this Section.

16 (k) (Blank).

17 (l) A prosecution for any offense set forth in Section 26-4
18 of this Code may be commenced within one year after the
19 discovery of the offense by the victim of that offense.

20 (Source: P.A. 98-293, eff. 1-1-14; 98-379, eff. 1-1-14; 98-756,
21 eff. 7-16-14; 99-234, eff. 8-3-15; 99-820, eff. 8-15-16.)

22 Section 99. Effective date. This Act takes effect upon
23 becoming law."