

HB0914



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB0914

by Rep. Thomas M. Bennett

SYNOPSIS AS INTRODUCED:

720 ILCS 5/3-6

from Ch. 38, par. 3-6

Amends the Criminal Code of 2012. Extends the statute of limitations for a violation of perjury to 7 years (rather than 3 years). Effective immediately.

LRB101 07104 SLF 52141 b

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 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
17 thereof.

18 (2) In any other instance, within one year after the
19 discovery of the offense by an aggrieved person, or by a
20 person who has legal capacity to represent an aggrieved
21 person or has a legal duty to report the offense, and is
22 not himself or herself a party to the offense; or in the
23 absence of such discovery, within one year after the proper

1 prosecuting officer becomes aware of the offense. However,
2 in no such case is the period of limitation so extended
3 more than 3 years beyond the expiration of the period
4 otherwise applicable.

5 (b) A prosecution for any offense based upon misconduct in
6 office by a public officer or employee may be commenced within
7 one year after discovery of the offense by a person having a
8 legal duty to report such offense, or in the absence of such
9 discovery, within one year after the proper prosecuting officer
10 becomes aware of the offense. However, in no such case is the
11 period of limitation so extended more than 3 years beyond the
12 expiration of the period otherwise applicable.

13 (b-5) When the victim is under 18 years of age at the time
14 of the offense, a prosecution for involuntary servitude,
15 involuntary sexual servitude of a minor, or trafficking in
16 persons and related offenses under Section 10-9 of this Code
17 may be commenced within 25 years of the victim attaining the
18 age of 18 years.

19 (c) (Blank).

20 (d) A prosecution for child pornography, aggravated child
21 pornography, indecent solicitation of a child, soliciting for a
22 juvenile prostitute, juvenile pimping, exploitation of a
23 child, or promoting juvenile prostitution except for keeping a
24 place of juvenile prostitution may be commenced within one year
25 of the victim attaining the age of 18 years. However, in no
26 such case shall the time period for prosecution expire sooner

1 than 3 years after the commission of the offense.

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

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

16 (f-5) A prosecution for any offense set forth in Section
17 16-30 of this Code may be commenced within 5 years after the
18 discovery of the offense by the victim of that offense.

19 (g) (Blank).

20 (h) (Blank).

21 (i) Except as otherwise provided in subdivision (j), a
22 prosecution for criminal sexual assault, aggravated criminal
23 sexual assault, or aggravated criminal sexual abuse may be
24 commenced within 10 years of the commission of the offense if
25 the victim reported the offense to law enforcement authorities
26 within 3 years after the commission of the offense. If the

1 victim consented to the collection of evidence using an
2 Illinois State Police Sexual Assault Evidence Collection Kit
3 under the Sexual Assault Survivors Emergency Treatment Act, it
4 shall constitute reporting for purposes of this Section.

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

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

13 (j) (1) When the victim is under 18 years of age at the
14 time of the offense, a prosecution for criminal sexual assault,
15 aggravated criminal sexual assault, predatory criminal sexual
16 assault of a child, aggravated criminal sexual abuse, or felony
17 criminal sexual abuse may be commenced at any time.

18 (2) When the victim is under 18 years of age at the time of
19 the offense, a prosecution for failure of a person who is
20 required to report an alleged or suspected commission of
21 criminal sexual assault, aggravated criminal sexual assault,
22 predatory criminal sexual assault of a child, aggravated
23 criminal sexual abuse, or felony criminal sexual abuse under
24 the Abused and Neglected Child Reporting Act may be commenced
25 within 20 years after the child victim attains 18 years of age.

26 (3) When the victim is under 18 years of age at the time of

1 the offense, a prosecution for misdemeanor criminal sexual
2 abuse may be commenced within 10 years after the child victim
3 attains 18 years of age.

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

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

12 (k) (Blank).

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

16 (l-5) A prosecution for any offense involving sexual
17 conduct or sexual penetration, as defined in Section 11-0.1 of
18 this Code, in which the victim was 18 years of age or older at
19 the time of the offense, may be commenced within one year after
20 the discovery of the offense by the victim when corroborating
21 physical evidence is available. The charging document shall
22 state that the statute of limitations is extended under this
23 subsection (l-5) and shall state the circumstances justifying
24 the extension. Nothing in this subsection (l-5) shall be
25 construed to shorten a period within which a prosecution must
26 be commenced under any other provision of this Section or

1 Section 3-5 of this Code.

2 (m) The prosecution shall not be required to prove at trial
3 facts which extend the general limitations in Section 3-5 of
4 this Code when the facts supporting extension of the period of
5 general limitations are properly pled in the charging document.
6 Any challenge relating to the extension of the general
7 limitations period as defined in this Section shall be
8 exclusively conducted under Section 114-1 of the Code of
9 Criminal Procedure of 1963.

10 (n) A prosecution for any offense set forth in subsection
11 (a), (b), or (c) of Section 8A-3 or Section 8A-13 of the
12 Illinois Public Aid Code, in which the total amount of money
13 involved is \$5,000 or more, including the monetary value of
14 food stamps and the value of commodities under Section 16-1 of
15 this Code may be commenced within 5 years of the last act
16 committed in furtherance of the offense.

17 (o) A prosecution for a violation of Section 32-2 may be
18 commenced within 7 years of the last act committed in
19 furtherance of the crime.

20 (Source: P.A. 99-234, eff. 8-3-15; 99-820, eff. 8-15-16;
21 100-80, eff. 8-11-17; 100-318, eff. 8-24-17; 100-434, eff.
22 1-1-18; 100-863, eff. 8-14-18; 100-998, eff. 1-1-19; 100-1010,
23 eff. 1-1-19; 100-1087, eff. 1-1-19; revised 10-9-18.)

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