

# HB3621



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB3621

by Rep. Jerry Costello, II

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/3-5

from Ch. 38, par. 3-5

Amends the Criminal Code of 2012. Provides that a prosecution for any offense not designated by law to have an extended statute of limitations must be commenced within one year after the discovery of the offense if it is a felony (rather than 3 years after the commission of the offense), or within 6 months after the discovery of the offense if it is a misdemeanor (rather than one year and 6 months after the commission of the offense).

LRB101 10225 SLF 55329 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 3-5 as follows:

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

7 Sec. 3-5. General limitations.

8 (a) A prosecution for: (1) first degree murder, attempt to  
9 commit first degree murder, second degree murder, involuntary  
10 manslaughter, reckless homicide, a violation of subparagraph  
11 (F) of paragraph (1) of subsection (d) of Section 11-501 of the  
12 Illinois Vehicle Code for the offense of aggravated driving  
13 under the influence of alcohol, other drug or drugs, or  
14 intoxicating compound or compounds, or any combination thereof  
15 when the violation was a proximate cause of a death, leaving  
16 the scene of a motor vehicle accident involving death or  
17 personal injuries under Section 11-401 of the Illinois Vehicle  
18 Code, failing to give information and render aid under Section  
19 11-403 of the Illinois Vehicle Code, concealment of homicidal  
20 death, treason, arson, residential arson, aggravated arson,  
21 forgery, child pornography under paragraph (1) of subsection  
22 (a) of Section 11-20.1, or aggravated child pornography under  
23 paragraph (1) of subsection (a) of Section 11-20.1B, or (2) any

1 offense involving sexual conduct or sexual penetration, as  
2 defined by Section 11-0.1 of this Code in which the DNA profile  
3 of the offender is obtained and entered into a DNA database  
4 within 10 years after the commission of the offense, may be  
5 commenced at any time. Clause (2) of this subsection (a)  
6 applies if either: (i) the victim reported the offense to law  
7 enforcement authorities within 3 years after the commission of  
8 the offense unless a longer period for reporting the offense to  
9 law enforcement authorities is provided in Section 3-6 or (ii)  
10 the victim is murdered during the course of the offense or  
11 within 2 years after the commission of the offense.

12 (a-5) A prosecution for theft of property exceeding  
13 \$100,000 in value under Section 16-1, identity theft under  
14 subsection (a) of Section 16-30, aggravated identity theft  
15 under subsection (b) of Section 16-30, financial exploitation  
16 of an elderly person or a person with a disability under  
17 Section 17-56; or any offense set forth in Article 16H or  
18 Section 17-10.6 may be commenced within 7 years of the last act  
19 committed in furtherance of the crime.

20 (b) Unless the statute describing the offense provides  
21 otherwise, or the period of limitation is extended by Section  
22 3-6, a prosecution for any offense not designated in subsection  
23 (a) or (a-5) must be commenced within one year ~~3 years~~ after  
24 the discovery ~~commission~~ of the offense if it is a felony, or  
25 within ~~one year and~~ 6 months after the discovery of the offense  
26 ~~its commission~~ if it is a misdemeanor.

1 (Source: P.A. 99-820, eff. 8-15-16; 100-149, eff. 1-1-18;  
2 100-863, eff. 8-14-18.)