



Sen. John F. Curran

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10100SB0026sam001

LRB101 05288 SLF 52499 a

1 AMENDMENT TO SENATE BILL 26

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 26 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 2012 is amended by  
5 changing Sections 11-1.50 and 11-1.60 as follows:

6 (720 ILCS 5/11-1.50) (was 720 ILCS 5/12-15)

7 Sec. 11-1.50. Criminal sexual abuse.

8 (a) A person commits criminal sexual abuse if that person:

9 (1) commits an act of sexual conduct by the use of  
10 force or threat of force; or

11 (2) commits an act of sexual conduct and knows that the  
12 victim is unable to understand the nature of the act or is  
13 unable to give knowing consent.

14 (b) A person commits criminal sexual abuse if that person  
15 is under 17 years of age and commits an act of sexual  
16 penetration or sexual conduct with a victim who is at least 9

1 years of age but under 17 years of age.

2 (c) A person commits criminal sexual abuse if that person  
3 commits an act of sexual penetration or sexual conduct with a  
4 victim who is at least 13 years of age but under 17 years of age  
5 and the person is less than 5 years older than the victim.

6 (c-5) A person commits criminal sexual abuse if he or she  
7 commits an act of sexual conduct with a victim who is at least  
8 18 years of age but under 21 years of age when the act was  
9 committed and who is a student attending classes at a public or  
10 private secondary school and the accused held a position of  
11 trust, authority, or supervision in relation to the victim at  
12 the same school.

13 (d) Sentence. Criminal sexual abuse for a violation of  
14 subsection (b) or (c) of this Section is a Class A misdemeanor.  
15 Criminal sexual abuse for a violation of paragraph (1) or (2)  
16 of subsection (a) or (c-5) of this Section is a Class 4 felony.  
17 A second or subsequent conviction for a violation of subsection  
18 (a) of this Section is a Class 2 felony. For purposes of this  
19 Section it is a second or subsequent conviction if the accused  
20 has at any time been convicted under this Section or under any  
21 similar statute of this State or any other state for any  
22 offense involving sexual abuse or sexual assault that is  
23 substantially equivalent to or more serious than the sexual  
24 abuse prohibited under this Section.

25 (Source: P.A. 96-1551, eff. 7-1-11.)

1 (720 ILCS 5/11-1.60) (was 720 ILCS 5/12-16)

2 Sec. 11-1.60. Aggravated criminal sexual abuse.

3 (a) A person commits aggravated criminal sexual abuse if  
4 that person commits criminal sexual abuse and any of the  
5 following aggravating circumstances exist (i) during the  
6 commission of the offense or (ii) for purposes of paragraph  
7 (7), as part of the same course of conduct as the commission of  
8 the offense:

9 (1) the person displays, threatens to use, or uses a  
10 dangerous weapon or any other object fashioned or used in a  
11 manner that leads the victim, under the circumstances,  
12 reasonably to believe that the object is a dangerous  
13 weapon;

14 (2) the person causes bodily harm to the victim;

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

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

17 (5) the person acts in a manner that threatens or  
18 endangers the life of the victim or any other person;

19 (6) the person commits the criminal sexual abuse during  
20 the course of committing or attempting to commit any other  
21 felony; or

22 (7) the person delivers (by injection, inhalation,  
23 ingestion, transfer of possession, or any other means) any  
24 controlled substance to the victim for other than medical  
25 purposes without the victim's consent or by threat or  
26 deception.

1           (b) A person commits aggravated criminal sexual abuse if  
2 that person commits an act of sexual conduct with a victim who  
3 is under 18 years of age and the person is a family member.

4           (c) A person commits aggravated criminal sexual abuse if:

5               (1) that person is 17 years of age or over and: (i)  
6 commits an act of sexual conduct with a victim who is under  
7 13 years of age; or (ii) commits an act of sexual conduct  
8 with a victim who is at least 13 years of age but under 17  
9 years of age and the person uses force or threat of force  
10 to commit the act; or

11               (2) that person is under 17 years of age and: (i)  
12 commits an act of sexual conduct with a victim who is under  
13 9 years of age; or (ii) commits an act of sexual conduct  
14 with a victim who is at least 9 years of age but under 17  
15 years of age and the person uses force or threat of force  
16 to commit the act.

17           (d) A person commits aggravated criminal sexual abuse if  
18 that person commits an act of sexual penetration or sexual  
19 conduct with a victim who is at least 13 years of age but under  
20 17 years of age and the person is at least 5 years older than  
21 the victim.

22           (e) A person commits aggravated criminal sexual abuse if  
23 that person commits an act of sexual conduct with a victim who  
24 is a person with a severe or profound intellectual disability.

25           (f) A person commits aggravated criminal sexual abuse if  
26 that person commits an act of sexual conduct with a victim who

1 is at least 13 years of age but under 18 years of age and the  
2 person is 17 years of age or over and holds a position of  
3 trust, authority, or supervision in relation to the victim.

4 (f-5) A person commits aggravated criminal sexual abuse if  
5 he or she commits an act of sexual penetration with a victim  
6 who is at least 18 years of age but under 21 years of age when  
7 the act was committed and who is a student attending classes at  
8 a public or private secondary school and the accused held a  
9 position of trust, authority, or supervision in relation to the  
10 victim at the same school.

11 (g) Sentence. Aggravated criminal sexual abuse is a Class 2  
12 felony.

13 (Source: P.A. 99-143, eff. 7-27-15.)".