



Sen. Paul Schimpf

Filed: 3/11/2019

10100SB1842sam001

LRB101 07676 SLF 57419 a

1 AMENDMENT TO SENATE BILL 1842

2 AMENDMENT NO. _____. Amend Senate Bill 1842 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) A prosecution for any offense based upon misconduct in
13 office by a public officer or employee may be commenced within
14 one year after discovery of the offense by a person having a
15 legal duty to report such offense, or in the absence of such
16 discovery, within one year after the proper prosecuting officer
17 becomes aware of the offense. However, in no such case is the
18 period of limitation so extended more than 3 years beyond the
19 expiration of the period otherwise applicable.

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

26 (c) (Blank).

1 (d) A prosecution for child pornography, aggravated child
2 pornography, indecent solicitation of a child, soliciting for a
3 juvenile prostitute, juvenile pimping, exploitation of a
4 child, or promoting juvenile prostitution except for keeping a
5 place of juvenile prostitution may be commenced within one year
6 of the victim attaining the age of 18 years. However, in no
7 such case shall the time period for prosecution expire sooner
8 than 3 years after the commission of the offense.

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

17 (f) A prosecution for any offense set forth in Section 44
18 of the Environmental Protection Act may be commenced within 5
19 years after the discovery of such an offense by a person or
20 agency having the legal duty to report the offense or in the
21 absence of such discovery, within 5 years after the proper
22 prosecuting officer becomes aware of the offense.

23 (f-5) A prosecution for any offense set forth in Section
24 16-30 of this Code may be commenced within 5 years after the
25 discovery of the offense by the victim of that offense.

26 (g) (Blank).

1 (h) (Blank).

2 (i) Except as otherwise provided in subdivision (j), a
3 prosecution for criminal sexual assault, aggravated criminal
4 sexual assault, or aggravated criminal sexual abuse may be
5 commenced within 10 years of the commission of the offense if
6 the victim reported the offense to law enforcement authorities
7 within 3 years after the commission of the offense. If the
8 victim consented to the collection of evidence using an
9 Illinois State Police Sexual Assault Evidence Collection Kit
10 under the Sexual Assault Survivors Emergency Treatment Act, it
11 shall constitute reporting for purposes of this Section.

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

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

20 (j) (1) When the victim is under 18 years of age at the
21 time of the offense, a prosecution for criminal sexual assault,
22 aggravated criminal sexual assault, predatory criminal sexual
23 assault of a child, aggravated criminal sexual abuse, or felony
24 criminal sexual abuse may be commenced at any time.

25 (2) When the victim is under 18 years of age at the time of
26 the offense, a prosecution for failure of a person who is

1 required to report an alleged or suspected commission of
2 criminal sexual assault, aggravated criminal sexual assault,
3 predatory criminal sexual assault of a child, aggravated
4 criminal sexual abuse, or felony criminal sexual abuse under
5 the Abused and Neglected Child Reporting Act may be commenced
6 within 20 years after the child victim attains 18 years of age.

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

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

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

19 (k) (Blank).

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

23 (l-5) A prosecution for any offense involving sexual
24 conduct or sexual penetration, as defined in Section 11-0.1 of
25 this Code, in which the victim was 18 years of age or older at
26 the time of the offense, may be commenced within one year after

1 the discovery of the offense by the victim when corroborating
2 physical evidence is available. The charging document shall
3 state that the statute of limitations is extended under this
4 subsection (1-5) and shall state the circumstances justifying
5 the extension. Nothing in this subsection (1-5) shall be
6 construed to shorten a period within which a prosecution must
7 be commenced under any other provision of this Section or
8 Section 3-5 of this Code.

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

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

24 (o) A prosecution for any offense under the Illinois
25 Funeral or Burial Funds Act may be commenced within one year
26 after the discovery of the offense by the victim of that

1 offense.

2 (Source: P.A. 99-234, eff. 8-3-15; 99-820, eff. 8-15-16;
3 100-80, eff. 8-11-17; 100-318, eff. 8-24-17; 100-434, eff.
4 1-1-18; 100-863, eff. 8-14-18; 100-998, eff. 1-1-19; 100-1010,
5 eff. 1-1-19; 100-1087, eff. 1-1-19; revised 10-9-18.)".