

SB1049



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB1049

Introduced 2/8/2011, by Sen. John J. Cullerton

SYNOPSIS AS INTRODUCED:

720 ILCS 5/3-6

from Ch. 38, par. 3-6

Amends the Criminal Code of 1961. Makes a technical change in a Section concerning extended statutes of limitations.

LRB097 04753 RLC 44792 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 1961 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~~ The period within which
8 a 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 (c) (Blank).

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

25 (e) Except as otherwise provided in subdivision (j), a
26 prosecution for any offense involving sexual conduct or sexual

1 penetration, as defined in Section 12-12 of this Code, where
2 the defendant was within a professional or fiduciary
3 relationship or a purported professional or fiduciary
4 relationship with the victim at the time of the commission of
5 the offense may be commenced within one year after the
6 discovery of the offense by the victim.

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

14 (f-5) A prosecution for any offense set forth in Section
15 16G-15 or 16G-20 of this Code may be commenced within 5 years
16 after the discovery of the offense by the victim of that
17 offense.

18 (g) (Blank).

19 (h) (Blank).

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

26 Nothing in this subdivision (i) shall be construed to

1 shorten a period within which a prosecution must be commenced
2 under any other provision of this Section.

3 (j) When the victim is under 18 years of age at the time of
4 the offense, a prosecution for criminal sexual assault,
5 aggravated criminal sexual assault, predatory criminal sexual
6 assault of a child, aggravated criminal sexual abuse, or felony
7 criminal sexual abuse, or a prosecution for failure of a person
8 who is required to report an alleged or suspected commission of
9 any of these offenses under the Abused and Neglected Child
10 Reporting Act may be commenced within 20 years after the child
11 victim attains 18 years of age. When the victim is under 18
12 years of age at the time of the offense, a prosecution for
13 misdemeanor criminal sexual abuse may be commenced within 10
14 years after the child victim attains 18 years of age.

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

18 (k) A prosecution for theft involving real property
19 exceeding \$100,000 in value under Section 16-1, identity theft
20 under Section 16G-15, aggravated identity theft under Section
21 16G-20, or any offense set forth in Article 16H may be
22 commenced within 7 years of the last act committed in
23 furtherance of the crime.

24 (Source: P.A. 95-548, eff. 8-30-07; 96-233, eff. 1-1-10.)