



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB0744

by Rep. Michael Halpin

SYNOPSIS AS INTRODUCED:

720 ILCS 5/3-5
720 ILCS 5/3-6

from Ch. 38, par. 3-5
from Ch. 38, par. 3-6

Amends the Criminal Code of 2012. Provides that a prosecution may be commenced at any time when the victim is under 18 years of age at the time of the offense for: solicitation to meet a child, child pornography, posting of identifying or graphic information on a pornographic Internet site or possessing graphic information with pornographic material, non-consensual dissemination of private sexual images, grooming, or traveling to meet a minor.

LRB100 05474 RLC 15485 b

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 Sections 3-5 and 3-6 as follows:

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

7 Sec. 3-5. General limitations.

8 (a) A prosecution may be commenced at any time for: (1)
9 first degree murder, attempt to commit first degree murder,
10 second degree murder, involuntary manslaughter, reckless
11 homicide, leaving the scene of a motor vehicle accident
12 involving death or personal injuries under Section 11-401 of
13 the Illinois Vehicle Code, failing to give information and
14 render aid under Section 11-403 of the Illinois Vehicle Code,
15 concealment of homicidal death, treason, arson, residential
16 arson, aggravated arson, or forgery; ~~child pornography under~~
17 ~~paragraph (1) of subsection (a) of Section 11-20.1, aggravated~~
18 ~~child pornography under paragraph (1) of subsection (a) of~~
19 ~~Section 11-20.1B, or~~

20 (1.5) any of the following offenses under this Code,
21 when the victim is under 18 years of age at the time of the
22 offense:

23 (i) solicitation to meet a child under Section

- 1 11-6.6;
2 (ii) child pornography under Section 11-20.1;
3 (iii) posting of identifying or graphic
4 information on a pornographic Internet site or
5 possessing graphic information with pornographic
6 material under Section 11-23;
7 (iv) non-consensual dissemination of private
8 sexual images under Section 11-23.5;
9 (v) grooming under Section 11-25; or
10 (vi) traveling to meet a minor under Section 11-26;
11 or

12 (2) any offense involving sexual conduct or sexual
13 penetration, as defined by Section 11-0.1 of this Code in
14 which the DNA profile of the offender is obtained and
15 entered into a DNA database within 10 years after the
16 commission of the offense, and ~~may be commenced at any~~
17 ~~time. Clause (2) of this subsection (a) applies if either:~~
18 (i) the victim reported the offense to law enforcement
19 authorities within 3 years after the commission of the
20 offense unless a longer period for reporting the offense to
21 law enforcement authorities is provided in Section 3-6 or
22 (ii) the victim is murdered during the course of the
23 offense or within 2 years after the commission of the
24 offense.

25 (a-5) A prosecution for theft of property exceeding
26 \$100,000 in value under Section 16-1, identity theft under

1 subsection (a) of Section 16-30, aggravated identity theft
2 under subsection (b) of Section 16-30, financial exploitation
3 of an elderly person or a person with a disability under
4 Section 17-56; or any offense set forth in Article 16H or
5 Section 17-10.6 may be commenced within 7 years of the last act
6 committed in furtherance of the crime.

7 (b) Unless the statute describing the offense provides
8 otherwise, or the period of limitation is extended by Section
9 3-6, a prosecution for any offense not designated in subsection
10 (a) or (a-5) must be commenced within 3 years after the
11 commission of the offense if it is a felony, or within one year
12 and 6 months after its commission if it is a misdemeanor.

13 (Source: P.A. 98-265, eff. 1-1-14; 99-820, eff. 8-15-16.)

14 (720 ILCS 5/3-6) (from Ch. 38, par. 3-6)

15 Sec. 3-6. Extended limitations. The period within which a
16 prosecution must be commenced under the provisions of Section
17 3-5 or other applicable statute is extended under the following
18 conditions:

19 (a) A prosecution for theft involving a breach of a
20 fiduciary obligation to the aggrieved person may be commenced
21 as follows:

22 (1) If the aggrieved person is a minor or a person
23 under legal disability, then during the minority or legal
24 disability or within one year after the termination
25 thereof.

1 (2) In any other instance, within one year after the
2 discovery of the offense by an aggrieved person, or by a
3 person who has legal capacity to represent an aggrieved
4 person or has a legal duty to report the offense, and is
5 not himself or herself a party to the offense; or in the
6 absence of such discovery, within one year after the proper
7 prosecuting officer becomes aware of the offense. However,
8 in no such case is the period of limitation so extended
9 more than 3 years beyond the expiration of the period
10 otherwise applicable.

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

19 (b-5) When the victim is under 18 years of age at the time
20 of the offense, a prosecution for involuntary servitude,
21 involuntary sexual servitude of a minor, or trafficking in
22 persons and related offenses under Section 10-9 of this Code
23 may be commenced within one year of the victim attaining the
24 age of 18 years. However, in no such case shall the time period
25 for prosecution expire sooner than 3 years after the commission
26 of the offense.

1 (c) (Blank).

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

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

23 (f) A prosecution for any offense set forth in Section 44
24 of the "Environmental Protection Act", approved June 29, 1970,
25 as amended, may be commenced within 5 years after the discovery
26 of such an offense by a person or agency having the legal duty

1 to report the offense or in the absence of such discovery,
2 within 5 years after the proper prosecuting officer becomes
3 aware of the offense.

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

7 (g) (Blank).

8 (h) (Blank).

9 (i) Except as otherwise provided in subdivision (j), a
10 prosecution for criminal sexual assault, aggravated criminal
11 sexual assault, or aggravated criminal sexual abuse may be
12 commenced within 10 years of the commission of the offense if
13 the victim reported the offense to law enforcement authorities
14 within 3 years after the commission of the offense.

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

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

23 (j) (1) When the victim is under 18 years of age at the
24 time of the offense, a prosecution for criminal sexual assault,
25 aggravated criminal sexual assault, predatory criminal sexual
26 assault of a child, aggravated criminal sexual abuse, or felony

1 criminal sexual abuse may be commenced at any time when
2 corroborating physical evidence is available or an individual
3 who is required to report an alleged or suspected commission of
4 any of these offenses under the Abused and Neglected Child
5 Reporting Act fails to do so.

6 (2) In circumstances other than as described in paragraph
7 (1) of this subsection (j), when the victim is under 18 years
8 of age at the time of the offense, a prosecution for criminal
9 sexual assault, aggravated criminal sexual assault, predatory
10 criminal sexual assault of a child, aggravated criminal sexual
11 abuse, or felony criminal sexual abuse, or a prosecution for
12 failure of a person who is required to report an alleged or
13 suspected commission of any of these offenses under the Abused
14 and Neglected Child Reporting Act may be commenced within 20
15 years after the child victim attains 18 years of age.

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

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

23 (j-5) A prosecution for armed robbery, home invasion,
24 kidnapping, or aggravated kidnaping may be commenced at any
25 time if it arises out of the same course of conduct and meets
26 the criteria under one of the offenses in subsection (j) of

1 this Section.

2 (k) (Blank).

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

6 (Source: P.A. 98-293, eff. 1-1-14; 98-379, eff. 1-1-14; 98-756,
7 eff. 7-16-14; 99-234, eff. 8-3-15; 99-820, eff. 8-15-16.)