



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB3849

by Rep. Sam Yingling

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: involuntary servitude, involuntary sexual servitude of a minor, trafficking in persons, indecent solicitation of a child, indecent solicitation of an adult, sexual exploitation of a child, permitting sexual abuse of a child, failure to report sexual abuse of a child, custodial sexual misconduct, sexual misconduct with a person with a disability, sexual relations within families, solicitation of a sexual act, promoting prostitution, promoting juvenile prostitution, patronizing a prostitute, or patronizing a minor engaged in prostitution.

LRB100 05473 RLC 15484 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, 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) involuntary servitude under subsection (b) of

1 Section 10-9;

2 (ii) involuntary sexual servitude of a minor under
3 subsection (c) of Section 10-9;

4 (iii) trafficking in persons under subsection (d)
5 of Section 10-9;

6 (iv) indecent solicitation of a child under
7 Section 11-6;

8 (v) indecent solicitation of an adult under
9 Section 11-6.5;

10 (vi) sexual exploitation of a child under Section
11 11-9.1;

12 (vii) permitting sexual abuse of a child under
13 Section 11-9.1A;

14 (viii) failure to report sexual abuse of a child
15 under Section 11-9.1B;

16 (ix) custodial sexual misconduct under Section
17 11-9.2;

18 (x) sexual misconduct with a person with a
19 disability under Section 11-9.5;

20 (xi) sexual relations within families under
21 Section 11-11;

22 (xii) solicitation of a sexual act under Section
23 11-14.1;

24 (xiii) promoting prostitution under Section
25 11-14.3;

26 (xiv) promoting juvenile prostitution under

1 Section 11-14.4;
2 (xv) patronizing a prostitute under Section 11-18;
3 or
4 (xvi) patronizing a minor engaged in prostitution
5 under Section 11-18.1; or

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

19 (a-5) A prosecution for theft of property exceeding
20 \$100,000 in value under Section 16-1, identity theft under
21 subsection (a) of Section 16-30, aggravated identity theft
22 under subsection (b) of Section 16-30, financial exploitation
23 of an elderly person or a person with a disability under
24 Section 17-56; or any offense set forth in Article 16H or
25 Section 17-10.6 may be commenced within 7 years of the last act
26 committed in furtherance of the crime.

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

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

8 (720 ILCS 5/3-6) (from Ch. 38, par. 3-6)

9 Sec. 3-6. Extended limitations. The period within which a
10 prosecution must be commenced under the provisions of Section
11 3-5 or other applicable statute is extended under the following
12 conditions:

13 (a) A prosecution for theft involving a breach of a
14 fiduciary obligation to the aggrieved person may be commenced
15 as follows:

16 (1) If the aggrieved person is a minor or a person
17 under legal disability, then during the minority or legal
18 disability or within one year after the termination
19 thereof.

20 (2) In any other instance, within one year after the
21 discovery of the offense by an aggrieved person, or by a
22 person who has legal capacity to represent an aggrieved
23 person or has a legal duty to report the offense, and is
24 not himself or herself a party to the offense; or in the
25 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 (b-5) (Blank). ~~When the victim is under 18 years of age at~~
14 ~~the time of the offense, a prosecution for involuntary~~
15 ~~servitude, involuntary sexual servitude of a minor, or~~
16 ~~trafficking in persons and related offenses under Section 10-9~~
17 ~~of this Code may be commenced within one year of the victim~~
18 ~~attaining the age of 18 years. However, in no such case shall~~
19 ~~the time period for prosecution expire sooner than 3 years~~
20 ~~after the commission of the offense.~~

21 (c) (Blank).

22 (d) A prosecution for child pornography or aggravated
23 child pornography, ~~indecent solicitation of a child,~~
24 ~~soliciting for a juvenile prostitute, juvenile pimping,~~
25 ~~exploitation of a child, or promoting juvenile prostitution~~
26 ~~except for keeping a place of juvenile prostitution may be~~

1 commenced within one year of the victim attaining the age of 18
2 years. However, in no such case shall the time period for
3 prosecution expire sooner than 3 years after the commission of
4 the offense. When the victim is under 18 years of age, a
5 prosecution for criminal sexual abuse may be commenced within
6 one year of the victim attaining the age of 18 years. However,
7 in no such case shall the time period for prosecution expire
8 sooner 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", approved June 29, 1970,
19 as amended, may be commenced within 5 years after the discovery
20 of such an offense by a person or agency having the legal duty
21 to report the offense or in the absence of such discovery,
22 within 5 years after the proper prosecuting officer becomes
23 aware of the offense.

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

1 (g) (Blank).

2 (h) (Blank).

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

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

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

17 (j) (1) When the victim is under 18 years of age at the
18 time of the offense, a prosecution for criminal sexual assault,
19 aggravated criminal sexual assault, predatory criminal sexual
20 assault of a child, aggravated criminal sexual abuse, or felony
21 criminal sexual abuse may be commenced at any time when
22 corroborating physical evidence is available or an individual
23 who is required to report an alleged or suspected commission of
24 any of these offenses under the Abused and Neglected Child
25 Reporting Act fails to do so.

26 (2) In circumstances other than as described in paragraph

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

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

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

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

22 (k) (Blank).

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

26 (Source: P.A. 98-293, eff. 1-1-14; 98-379, eff. 1-1-14; 98-756,

1 eff. 7-16-14; 99-234, eff. 8-3-15; 99-820, eff. 8-15-16.)