

# SB2891



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

SB2891

Introduced 2/14/2018, by Sen. Michael Connelly

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/3-6

from Ch. 38, par. 3-6

Amends the Criminal Code of 2012. Provides that a prosecution for vendor fraud, kickbacks, or managed health care fraud, in which the total amount of money involved is at least \$5,000, may be commenced within 5 years of the last act committed in furtherance of the offense.

LRB100 16812 RLC 31953 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 2012 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 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  
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 (b-5) When the victim is under 18 years of age at the time  
14 of the offense, a prosecution for involuntary servitude,  
15 involuntary sexual servitude of a minor, or trafficking in  
16 persons and related offenses under Section 10-9 of this Code  
17 may be commenced within 25 years of the victim attaining the  
18 age of 18 years.

19 (c) (Blank).

20 (d) A prosecution for child pornography, aggravated child  
21 pornography, indecent solicitation of a child, soliciting for a  
22 juvenile prostitute, juvenile pimping, exploitation of a  
23 child, or promoting juvenile prostitution except for keeping a  
24 place of juvenile prostitution may be commenced within one year  
25 of the victim attaining the age of 18 years. However, in no  
26 such case shall the time period for prosecution expire sooner

1 than 3 years after the commission of the offense.

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

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

17 (f-5) A prosecution for any offense set forth in Section  
18 16-30 of this Code may be commenced within 5 years after the  
19 discovery of the offense by the victim of that offense.

20 (g) (Blank).

21 (h) (Blank).

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

1 within 3 years after the commission of the offense.

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

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

10 (j) (1) When the victim is under 18 years of age at the  
11 time of the offense, a prosecution for criminal sexual assault,  
12 aggravated criminal sexual assault, predatory criminal sexual  
13 assault of a child, aggravated criminal sexual abuse, or felony  
14 criminal sexual abuse may be commenced at any time.

15 (2) When the victim is under 18 years of age at the time of  
16 the offense, a prosecution for failure of a person who is  
17 required to report an alleged or suspected commission of  
18 criminal sexual assault, aggravated criminal sexual assault,  
19 predatory criminal sexual assault of a child, aggravated  
20 criminal sexual abuse, or felony criminal sexual abuse under  
21 the Abused and Neglected Child Reporting Act may be commenced  
22 within 20 years after the child victim attains 18 years of age.

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

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

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

9 (k) (Blank).

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

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

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

1 committed in furtherance of the 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; revised 10-5-17.)