



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB3498

by Rep. Natalie A. Manley

SYNOPSIS AS INTRODUCED:

720 ILCS 5/3-6
720 ILCS 5/12-34

from Ch. 38, par. 3-6

Amends the Criminal Code of 2012. Provides that when the victim is under 18 years of age at the time of the offense, a prosecution for female genital mutilation may be commenced at any time. Provides that a parent, guardian, or other person having physical custody or control of a child who knowingly facilitates or permits the circumcision, excision, or infibulation, in whole or in part, of the labia majora, labia minora, or clitoris of the child commits female genital mutilation. Provides that a violation is a Class X felony.

LRB101 05462 SLF 50476 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

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 Sections 3-6 and 12-34 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 (b-6) When the victim is under 18 years of age at the time
20 of the offense, a prosecution for female genital mutilation may
21 be commenced at any time.

22 (c) (Blank).

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

1 place of juvenile prostitution may be commenced within one year
2 of the victim attaining the age of 18 years. However, in no
3 such case shall the time period for prosecution expire sooner
4 than 3 years after the commission of the offense.

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

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

19 (f-5) A prosecution for any offense set forth in Section
20 16-30 of this Code may be commenced within 5 years after the
21 discovery of the offense by the victim of that offense.

22 (g) (Blank).

23 (h) (Blank).

24 (i) Except as otherwise provided in subdivision (j), a
25 prosecution for criminal sexual assault, aggravated criminal
26 sexual assault, or aggravated criminal sexual abuse may be

1 commenced within 10 years of the commission of the offense if
2 the victim reported the offense to law enforcement authorities
3 within 3 years after the commission of the offense. If the
4 victim consented to the collection of evidence using an
5 Illinois State Police Sexual Assault Evidence Collection Kit
6 under the Sexual Assault Survivors Emergency Treatment Act, it
7 shall constitute reporting for purposes of this Section.

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

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

16 (j) (1) When the victim is under 18 years of age at the
17 time of the offense, a prosecution for criminal sexual assault,
18 aggravated criminal sexual assault, predatory criminal sexual
19 assault of a child, aggravated criminal sexual abuse, ~~or~~ felony
20 criminal sexual abuse, or female genital mutilation may be
21 commenced at any time.

22 (2) When in circumstances other than as described in
23 paragraph (1) of this subsection (j), when ~~when~~ the victim is
24 under 18 years of age at the time of the offense, a prosecution
25 for failure of a person who is required to report an alleged or
26 suspected commission of criminal sexual assault, aggravated

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

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

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

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

18 (k) (Blank).

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

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

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

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

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

23 (Source: P.A. 99-234, eff. 8-3-15; 99-820, eff. 8-15-16;
24 100-80, eff. 8-11-17; 100-318, eff. 8-24-17; 100-434, eff.
25 1-1-18; 100-863, eff. 8-14-18; 100-998, eff. 1-1-19; 100-1010,
26 eff. 1-1-19; 100-1087, eff. 1-1-19; revised 10-9-18.)

1 (720 ILCS 5/12-34)

2 Sec. 12-34. Female genital mutilation.

3 (a) Except as otherwise permitted in subsection (b),
4 whoever knowingly circumcises, excises, or infibulates, in
5 whole or in part, the labia majora, labia minora, or clitoris
6 of another commits female genital mutilation. Consent to the
7 procedure by a minor on whom it is performed or by the minor's
8 parent or guardian is not a defense to a violation of this
9 Section.

10 (a-5) A parent, guardian, or other person having physical
11 custody or control of a child who knowingly facilitates or
12 permits the circumcision, excision, or infibulation, in whole
13 or in part, of the labia majora, labia minora, or clitoris of
14 the child commits female genital mutilation.

15 (b) A surgical procedure is not a violation of subsection
16 (a) if the procedure is performed by a physician licensed to
17 practice medicine in all its branches and:

18 (1) is necessary to the health of the person on whom it
19 is performed; or

20 (2) is performed on a person who is in labor or who has
21 just given birth and is performed for medical purposes
22 connected with that labor or birth.

23 (c) Sentence. Female genital mutilation is a Class X
24 felony.

25 (Source: P.A. 96-1551, eff. 7-1-11.)