



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB5635

by Rep. Joyce Mason

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/11-1.20

was 720 ILCS 5/12-13

Amends the Criminal Code of 2012. Provides that, in addition to other elements defining the offense, a person commits criminal sexual assault if that person commits an act of sexual penetration and is a physician licensed under the Medical Practice Act of 1987 to practice medicine in all of its branches or licensed as a chiropractic physician under that Act and the victim is a patient under the physician or chiropractic physicians's care or to whom the physician or chiropractic physician has access due to his or her practice as a physician or chiropractic physician. Effective January 1, 2021.

LRB101 18375 RLC 67822 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 Section 11-1.20 as follows:

6 (720 ILCS 5/11-1.20) (was 720 ILCS 5/12-13)

7 Sec. 11-1.20. Criminal sexual assault.

8 (a) A person commits criminal sexual assault if that person  
9 commits an act of sexual penetration and:

10 (1) uses force or threat of force;

11 (2) knows that the victim is unable to understand the  
12 nature of the act or is unable to give knowing consent;

13 (3) is a family member of the victim, and the victim is  
14 under 18 years of age; ~~or~~

15 (4) is 17 years of age or over and holds a position of  
16 trust, authority, or supervision in relation to the victim,  
17 and the victim is at least 13 years of age but under 18  
18 years of age; or

19 (5) is a physician licensed under the Medical Practice  
20 Act of 1987 to practice medicine in all of its branches or  
21 licensed as a chiropractic physician under that Act and the  
22 victim is a patient under the physician or chiropractic  
23 physicians's care or to whom the physician or chiropractic

1       physician has access due to his or her practice as a  
2       physician or chiropractic physician.

3       (b) Sentence.

4             (1) Criminal sexual assault is a Class 1 felony, except  
5       that:

6             (A) A person who is convicted of the offense of  
7       criminal sexual assault as defined in paragraph (a) (1)  
8       or (a) (2) after having previously been convicted of the  
9       offense of criminal sexual assault or the offense of  
10      exploitation of a child, or who is convicted of the  
11      offense of criminal sexual assault as defined in  
12      paragraph (a) (1) or (a) (2) after having previously  
13      been convicted under the laws of this State or any  
14      other state of an offense that is substantially  
15      equivalent to the offense of criminal sexual assault or  
16      to the offense of exploitation of a child, commits a  
17      Class X felony for which the person shall be sentenced  
18      to a term of imprisonment of not less than 30 years and  
19      not more than 60 years, except that if the person is  
20      under the age of 18 years at the time of the offense,  
21      he or she shall be sentenced under Section 5-4.5-105 of  
22      the Unified Code of Corrections. The commission of the  
23      second or subsequent offense is required to have been  
24      after the initial conviction for this paragraph (A) to  
25      apply.

26             (B) A person who has attained the age of 18 years

1 at the time of the commission of the offense and who is  
2 convicted of the offense of criminal sexual assault as  
3 defined in paragraph (a)(1) or (a)(2) after having  
4 previously been convicted of the offense of aggravated  
5 criminal sexual assault or the offense of predatory  
6 criminal sexual assault of a child, or who is convicted  
7 of the offense of criminal sexual assault as defined in  
8 paragraph (a)(1) or (a)(2) after having previously  
9 been convicted under the laws of this State or any  
10 other state of an offense that is substantially  
11 equivalent to the offense of aggravated criminal  
12 sexual assault or the offense of predatory criminal  
13 sexual assault of a child shall be sentenced to a term  
14 of natural life imprisonment. The commission of the  
15 second or subsequent offense is required to have been  
16 after the initial conviction for this paragraph (B) to  
17 apply. An offender under the age of 18 years at the  
18 time of the commission of the offense covered by this  
19 subparagraph (B) shall be sentenced under Section  
20 5-4.5-105 of the Unified Code of Corrections.

21 (C) A second or subsequent conviction for a  
22 violation of paragraph (a)(3), ~~or~~ (a)(4), or (a)(5) or  
23 under any similar statute of this State or any other  
24 state for any offense involving criminal sexual  
25 assault that is substantially equivalent to or more  
26 serious than the sexual assault prohibited under

1 paragraph (a) (3), ~~or~~ (a) (4), or (a) (5) is a Class X  
2 felony.

3 (Source: P.A. 99-69, eff. 1-1-16.)

4 Section 99. Effective date. This Act takes effect January  
5 1, 2021.