

SB0026



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB0026

Introduced 1/9/2019, by Sen. John F. Curran

SYNOPSIS AS INTRODUCED:

720 ILCS 5/11-1.30
720 ILCS 5/11-1.50

was 720 ILCS 5/12-14
was 720 ILCS 5/12-15

Amends the Criminal Code of 2012. Provides that a person commits aggravated criminal sexual assault if that person commits an act of sexual penetration with a victim who is at least 18 years of age but under 20 years of age if the act was committed against a victim who is a student attending classes at a public or private secondary school and the accused held a position of trust, authority, or supervision over the victim at the same school. Provides that this offense is a Class X felony. Provides that a person commits criminal sexual abuse if that person commits an act of sexual conduct with a victim who is at least 18 years of age but under 20 years of age if the act was committed against a victim who is a student attending classes at a public or private secondary school and the accused held a position of trust, authority, or supervision in relation to the victim at the same school. Provides that this offense is a Class 4 felony.

LRB101 05288 SLF 50302 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 11-1.30 and 11-1.50 as follows:

6 (720 ILCS 5/11-1.30) (was 720 ILCS 5/12-14)

7 Sec. 11-1.30. Aggravated Criminal Sexual Assault.

8 (a) A person commits aggravated criminal sexual assault if
9 that person commits criminal sexual assault and any of the
10 following aggravating circumstances exist during the
11 commission of the offense or, for purposes of paragraph (7),
12 occur as part of the same course of conduct as the commission
13 of the offense:

14 (1) the person displays, threatens to use, or uses a
15 dangerous weapon, other than a firearm, or any other object
16 fashioned or used in a manner that leads the victim, under
17 the circumstances, reasonably to believe that the object is
18 a dangerous weapon;

19 (2) the person causes bodily harm to the victim, except
20 as provided in paragraph (10);

21 (3) the person acts in a manner that threatens or
22 endangers the life of the victim or any other person;

23 (4) the person commits the criminal sexual assault

1 during the course of committing or attempting to commit any
2 other felony;

3 (5) the victim is 60 years of age or older;

4 (6) the victim is a person with a physical disability;

5 (7) the person delivers (by injection, inhalation,
6 ingestion, transfer of possession, or any other means) any
7 controlled substance to the victim without the victim's
8 consent or by threat or deception for other than medical
9 purposes;

10 (8) the person is armed with a firearm;

11 (9) the person personally discharges a firearm during
12 the commission of the offense; or

13 (10) the person personally discharges a firearm during
14 the commission of the offense, and that discharge
15 proximately causes great bodily harm, permanent
16 disability, permanent disfigurement, or death to another
17 person.

18 (b) A person commits aggravated criminal sexual assault if
19 that person is under 17 years of age and: (i) commits an act of
20 sexual penetration with a victim who is under 9 years of age;
21 or (ii) commits an act of sexual penetration with a victim who
22 is at least 9 years of age but under 13 years of age and the
23 person uses force or threat of force to commit the act.

24 (c) A person commits aggravated criminal sexual assault if
25 that person commits an act of sexual penetration with a victim
26 who is a person with a severe or profound intellectual

1 disability.

2 (c-5) A person commits aggravated criminal sexual assault
3 if that person commits an act of sexual penetration with a
4 victim who is at least 18 years of age but under 20 years of age
5 if the act was committed against a victim who is a student
6 attending classes at a public or private secondary school and
7 the accused held a position of trust, authority, or supervision
8 over the victim at the same school.

9 (d) Sentence.

10 (1) Aggravated criminal sexual assault in violation of
11 paragraph (2), (3), (4), (5), (6), or (7) of subsection (a)
12 or in violation of subsection (b), ~~or~~ (c), or (c-5) is a
13 Class X felony. A violation of subsection (a)(1) is a Class
14 X felony for which 10 years shall be added to the term of
15 imprisonment imposed by the court. A violation of
16 subsection (a)(8) is a Class X felony for which 15 years
17 shall be added to the term of imprisonment imposed by the
18 court. A violation of subsection (a)(9) is a Class X felony
19 for which 20 years shall be added to the term of
20 imprisonment imposed by the court. A violation of
21 subsection (a)(10) is a Class X felony for which 25 years
22 or up to a term of natural life imprisonment shall be added
23 to the term of imprisonment imposed by the court. An
24 offender under the age of 18 years at the time of the
25 commission of aggravated criminal sexual assault in
26 violation of paragraphs (1) through (10) of subsection (a)

1 shall be sentenced under Section 5-4.5-105 of the Unified
2 Code of Corrections.

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

24 (Source: P.A. 99-69, eff. 1-1-16; 99-143, eff. 7-27-15; 99-642,
25 eff. 7-28-16.)

1 (720 ILCS 5/11-1.50) (was 720 ILCS 5/12-15)

2 Sec. 11-1.50. Criminal sexual abuse.

3 (a) A person commits criminal sexual abuse if that person:

4 (1) commits an act of sexual conduct by the use of
5 force or threat of force; or

6 (2) commits an act of sexual conduct and knows that the
7 victim is unable to understand the nature of the act or is
8 unable to give knowing consent.

9 (b) A person commits criminal sexual abuse if that person
10 is under 17 years of age and commits an act of sexual
11 penetration or sexual conduct with a victim who is at least 9
12 years of age but under 17 years of age.

13 (c) A person commits criminal sexual abuse if that person
14 commits an act of sexual penetration or sexual conduct with a
15 victim who is at least 13 years of age but under 17 years of age
16 and the person is less than 5 years older than the victim.

17 (c-5) A person commits criminal sexual abuse if that person
18 commits an act of sexual conduct with a victim who is at least
19 18 years of age but under 20 years of age if the act was
20 committed against a victim who is a student attending classes
21 at a public or private secondary school and the accused held a
22 position of trust, authority, or supervision in relation to the
23 victim at the same school.

24 (d) Sentence. Criminal sexual abuse for a violation of
25 subsection (b) or (c) of this Section is a Class A misdemeanor.
26 Criminal sexual abuse for a violation of paragraph (1) or (2)

1 of subsection (a) or subsection (c-5) of this Section is a
2 Class 4 felony. A second or subsequent conviction for a
3 violation of subsection (a) of this Section is a Class 2
4 felony. For purposes of this Section it is a second or
5 subsequent conviction if the accused has at any time been
6 convicted under this Section or under any similar statute of
7 this State or any other state for any offense involving sexual
8 abuse or sexual assault that is substantially equivalent to or
9 more serious than the sexual abuse prohibited under this
10 Section.

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