



Rep. David A. Welter

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10200HB4904ham001

LRB102 25664 RLC 36518 a

1 AMENDMENT TO HOUSE BILL 4904

2 AMENDMENT NO. _____. Amend House Bill 4904 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 2012 is amended by
5 changing 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
10 following 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

1 thereof.

2 (2) In any other instance, within one year after the
3 discovery of the offense by an aggrieved person, or by a
4 person who has legal capacity to represent an aggrieved
5 person or has a legal duty to report the offense, and is
6 not himself or herself a party to the offense; or in the
7 absence of such discovery, within one year after the
8 proper prosecuting officer becomes aware of the offense.
9 However, in no such case is the period of limitation so
10 extended more than 3 years beyond the expiration of the
11 period otherwise applicable.

12 (b) A prosecution for any offense based upon misconduct in
13 office by a public officer or employee may be commenced within
14 one year after discovery of the offense by a person having a
15 legal duty to report such offense, or in the absence of such
16 discovery, within one year after the proper prosecuting
17 officer becomes aware of the offense. However, in no such case
18 is the period of limitation so extended more than 3 years
19 beyond the expiration of the period otherwise applicable.

20 (b-5) When the victim is under 18 years of age at the time
21 of the offense, a prosecution for involuntary servitude,
22 involuntary sexual servitude of a minor, or trafficking in
23 persons and related offenses under Section 10-9 of this Code
24 may be commenced within 25 years of the victim attaining the
25 age of 18 years.

26 (b-6) When the victim is 18 years of age or over at the

1 time of the offense, a prosecution for involuntary servitude,
2 involuntary sexual servitude of a minor, or trafficking in
3 persons and related offenses under Section 10-9 of this Code
4 may be commenced within 25 years after the commission of the
5 offense.

6 (b-7) When the victim is under 18 years of age at the time
7 of the offense, a prosecution for female genital mutilation
8 may be commenced at any time.

9 (c) (Blank).

10 (d) A prosecution for child pornography, aggravated child
11 pornography, indecent solicitation of a child, soliciting for
12 a juvenile prostitute, juvenile pimping, exploitation of a
13 child, or promoting juvenile prostitution except for keeping a
14 place of juvenile prostitution may be commenced within one
15 year of the victim attaining the age of 18 years. However, in
16 no such case shall the time period for prosecution expire
17 sooner than 3 years after the commission of the offense.

18 (e) Except as otherwise provided in subdivision (j), a
19 prosecution for any offense involving sexual conduct or sexual
20 penetration, as defined in Section 11-0.1 of this Code, where
21 the defendant was within a professional or fiduciary
22 relationship or a purported professional or fiduciary
23 relationship with the victim at the time of the commission of
24 the offense may be commenced within one year after the
25 discovery of the offense by the victim.

26 (f) A prosecution for any offense set forth in Section 44

1 of the Environmental Protection Act may be commenced within 5
2 years after the discovery of such an offense by a person or
3 agency having the legal duty to report the offense or in the
4 absence of such discovery, within 5 years after the proper
5 prosecuting officer becomes aware of the offense.

6 (f-5) A prosecution for any offense set forth in Section
7 16-30 of this Code may be commenced within 5 years after the
8 discovery of the offense by the victim of that offense.

9 (g) (Blank).

10 (h) (Blank).

11 (i) Except as otherwise provided in subdivision (j), a
12 prosecution for criminal sexual assault, aggravated criminal
13 sexual assault, or aggravated criminal sexual abuse may be
14 commenced at any time. If the victim consented to the
15 collection of evidence using an Illinois State Police Sexual
16 Assault Evidence Collection Kit under the Sexual Assault
17 Survivors Emergency Treatment Act, it shall constitute
18 reporting for purposes of this Section.

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

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

1 (j) (1) When the victim is under 18 years of age at the
2 time of the offense, a prosecution for criminal sexual
3 assault, aggravated criminal sexual assault, predatory
4 criminal sexual assault of a child, aggravated criminal sexual
5 abuse, felony criminal sexual abuse, or female genital
6 mutilation may be commenced at any time.

7 (2) When in circumstances other than as described in
8 paragraph (1) of this subsection (j), when the victim is under
9 18 years of age at the time of the offense, a prosecution for
10 failure of a person who is required to report an alleged or
11 suspected commission of criminal sexual assault, aggravated
12 criminal sexual assault, predatory criminal sexual assault of
13 a child, aggravated criminal sexual abuse, or felony criminal
14 sexual abuse under the Abused and Neglected Child Reporting
15 Act may be commenced within 20 years after the child victim
16 attains 18 years of age.

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

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

24 (j-5) A prosecution for armed robbery, home invasion,
25 kidnapping, or aggravated kidnaping may be commenced at any
26 time if it arises out of the same course of conduct and meets

1 the criteria under one of the offenses in subsection (j) of
2 this Section.

3 (k) (Blank).

4 (l) A prosecution for any offense set forth in Section
5 26-4 of this Code may be commenced within one year after the
6 discovery of the offense by the victim of that offense.

7 (l-5) A prosecution for any offense involving sexual
8 conduct or sexual penetration, as defined in Section 11-0.1 of
9 this Code, in which the victim was 18 years of age or older at
10 the time of the offense, may be commenced within one year after
11 the discovery of the offense by the victim when corroborating
12 physical evidence is available. The charging document shall
13 state that the statute of limitations is extended under this
14 subsection (l-5) and shall state the circumstances justifying
15 the extension. Nothing in this subsection (l-5) shall be
16 construed to shorten a period within which a prosecution must
17 be commenced under any other provision of this Section or
18 Section 3-5 of this Code.

19 (m) The prosecution shall not be required to prove at
20 trial facts which extend the general limitations in Section
21 3-5 of this Code when the facts supporting extension of the
22 period of general limitations are properly pled in the
23 charging document. Any challenge relating to the extension of
24 the general limitations period as defined in this Section
25 shall be exclusively conducted under Section 114-1 of the Code
26 of Criminal Procedure of 1963.

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

8 (o) A prosecution for aggravated domestic battery under
9 Section 12-3.3 may be commenced within 5 years after the
10 commission of the offense.

11 (Source: P.A. 101-18, eff. 1-1-20; 101-81, eff. 7-12-19;
12 101-130, eff. 1-1-20; 101-285, eff. 1-1-20; 102-558, eff.
13 8-20-21.)".