

1 AN ACT in relation to 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 1961 is amended by
5 changing Section 12-13 as follows:

6 (720 ILCS 5/12-13) (from Ch. 38, par. 12-13)

7 Sec. 12-13. Criminal Sexual Assault.

8 (a) The accused commits criminal sexual assault if he or
9 she:

10 (1) commits an act of sexual penetration by the use
11 of force or threat of force; or

12 (2) commits an act of sexual penetration and the
13 accused knew that the victim was unable to understand the
14 nature of the act or was unable to give knowing consent;
15 or

16 (3) commits an act of sexual penetration with a
17 victim who was under 18 years of age when the act was
18 committed and the accused was a family member; or

19 (4) commits an act of sexual penetration with a
20 victim who was at least 13 years of age but under 18
21 years of age when the act was committed and the accused
22 was 17 years of age or over and held a position of trust,
23 authority or supervision in relation to the victim.

24 (b) Sentence.

25 (1) Criminal sexual assault is a Class 1 felony.

26 (2) A person who is convicted of the offense of
27 criminal sexual assault as defined in paragraph (a)(1) or
28 (a)(2) after having previously been convicted of the
29 offense of criminal sexual assault, or who is convicted
30 of the offense of criminal sexual assault as defined in
31 paragraph (a)(1) or (a)(2) after having previously been

1 convicted under the laws of this State or any other state
2 of an offense that is substantially equivalent to the
3 offense of criminal sexual assault, commits a Class X
4 felony for which the person shall be sentenced to a term
5 of imprisonment of not less than 30 years and not more
6 than 60 years. The commission of the second or
7 subsequent offense is required to have been after the
8 initial conviction for this paragraph (2) to apply.

9 (3) A person who is convicted of the offense of
10 criminal sexual assault as defined in paragraph (a)(1) or
11 (a)(2) after having previously been convicted of the
12 offense of aggravated criminal sexual assault or the
13 offense of predatory criminal sexual assault of a child,
14 or who is convicted of the offense of criminal sexual
15 assault as defined in paragraph (a)(1) or (a)(2) after
16 having previously been convicted under the laws of this
17 State or any other state of an offense that is
18 substantially equivalent to the offense of aggravated
19 criminal sexual assault or the offense of criminal
20 predatory sexual assault shall be sentenced to a term of
21 natural life imprisonment. The commission of the second
22 or subsequent offense is required to have been after the
23 initial conviction for this paragraph (3) to apply.

24 (4) A second or subsequent conviction for a
25 violation of paragraph (a)(3) or (a)(4) or under any
26 similar statute of this State or any other state for any
27 offense involving criminal sexual assault that is
28 substantially equivalent to or more serious than the
29 sexual assault prohibited under paragraph (a)(3) or
30 (a)(4) is a Class X felony.

31 (5) When a person has any such prior conviction,
32 the information or indictment charging that person must
33 ~~shall~~ state such prior conviction so as to give notice of
34 the State's intention to treat the charge as a Class X

1 felony. The fact of such prior conviction is not an
2 element of the offense and may not be disclosed to the
3 jury during trial unless otherwise permitted by issues
4 properly raised during such trial.

5 (Source: P.A. 90-396, eff. 1-1-98.)