

1 AMENDMENT TO HOUSE BILL 3408

2 AMENDMENT NO. _____. Amend House Bill 3408 as follows:
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Criminal Code of 1961 is amended by
6 changing Section 3-6 as follows:

7 (720 ILCS 5/3-6) (from Ch. 38, par. 3-6)

8 Sec. 3-6. Extended limitations. The period within which
9 a prosecution must be commenced under the provisions of
10 Section 3-5 or other applicable statute is extended under the
11 following conditions:

12 (a) A prosecution for theft involving a breach of a
13 fiduciary obligation to the aggrieved person may be commenced
14 as follows:

15 (1) If the aggrieved person is a minor or a person
16 under legal disability, then during the minority or legal
17 disability or within one year after the termination
18 thereof.

19 (2) In any other instance, within one year after
20 the discovery of the offense by an aggrieved person, or
21 by a person who has legal capacity to represent an
22 aggrieved person or has a legal duty to report the

1 offense, and is not himself or herself a party to the
2 offense; or in the absence of such discovery, within one
3 year after the proper prosecuting officer becomes aware
4 of the offense. However, in no such case is the period of
5 limitation so extended more than 3 years beyond the
6 expiration of the period otherwise applicable.

7 (b) A prosecution for any offense based upon misconduct
8 in office by a public officer or employee may be commenced
9 within one year after discovery of the offense by a person
10 having a legal duty to report such offense, or in the absence
11 of such discovery, within one year after the proper
12 prosecuting officer becomes aware of the offense. However, in
13 no such case is the period of limitation so extended more
14 than 6 3 years beyond the expiration of the period otherwise
15 applicable.

16 (c) Except as otherwise provided in subsection (a) of
17 Section 3-5 of this Code and subdivision (i) or (j) of this
18 Section, a prosecution for any offense involving sexual
19 conduct or sexual penetration, as defined in Section 12-12 of
20 this Code, where the victim and defendant are family members,
21 as defined in Section 12-12 of this Code, may be commenced
22 within one year of the victim attaining the age of 18 years.

23 (d) A prosecution for child pornography, indecent
24 solicitation of a child, soliciting for a juvenile
25 prostitute, juvenile pimping or exploitation of a child may
26 be commenced within one year of the victim attaining the age
27 of 18 years. However, in no such case shall the time period
28 for prosecution expire sooner than 3 years after the
29 commission of the offense. When the victim is under 18 years
30 of age, a prosecution for criminal sexual abuse may be
31 commenced within one year of the victim attaining the age of
32 18 years. However, in no such case shall the time period for
33 prosecution expire sooner than 3 years after the commission
34 of the offense.

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

9 (f) A prosecution for any offense set forth in Section
10 44 of the "Environmental Protection Act", approved June 29,
11 1970, as amended, may be commenced within 5 years after the
12 discovery of such an offense by a person or agency having the
13 legal duty to report the offense or in the absence of such
14 discovery, within 5 years after the proper prosecuting
15 officer becomes aware of the offense.

16 (g) (Blank).

17 (h) (Blank).

18 (i) Except as otherwise provided in subdivision (j), a
19 prosecution for criminal sexual assault, aggravated criminal
20 sexual assault, or aggravated criminal sexual abuse may be
21 commenced within 10 years of the commission of the offense if
22 the victim reported the offense to law enforcement
23 authorities within 2 years after the commission of the
24 offense.

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

28 (j) When the victim is under 18 years of age at the time
29 of the offense, a prosecution for criminal sexual assault,
30 aggravated criminal sexual assault, predatory criminal sexual
31 assault of a child, or aggravated criminal sexual abuse or a
32 prosecution for failure of a person who is required to report
33 an alleged or suspected commission of any of these offenses
34 under the Abused and Neglected Child Reporting Act may be

1 commenced within 10 years after the child victim attains 18
2 years of age.

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

6 (Source: P.A. 91-475, eff. 1-1-00; 91-801, eff. 6-13-00;
7 92-752, eff. 8-2-02; 92-801, eff. 8-16-02; revised 9-11-02.)

8 Section 99. Effective date. This Act takes effect upon
9 becoming law."