

1 AMENDMENT TO HOUSE BILL 3466

2 AMENDMENT NO. _____. Amend House Bill 3466 as follows:

3 on page 3, line 3, by replacing "~~at least 13 years of age~~
4 ~~but~~" with "at least 13 years of age but"; and

5 on page 6, line 15, by replacing "~~at least 13 years of age~~
6 ~~but~~" with "at least 13 years of age but"; and

7 on page 9, by replacing lines 17 through 19 with the
8 following:

9 "(H) Criminal sexual assault or aggravated criminal
10 sexual abuse, ~~except as otherwise provided in subsection (e)~~
11 ~~of this Section.~~"; and

12 by replacing all of page 15 and lines 1 through 7 on page 16
13 with the following:

14 "(e) (Blank). ~~In cases where prosecution for criminal~~
15 ~~sexual assault or aggravated criminal sexual abuse under~~
16 ~~Section 12-13 or 12-16 of the Criminal Code of 1961 results~~
17 ~~in conviction of a defendant who was a family member of the~~
18 ~~victim at the time of the commission of the offense, the~~
19 ~~court shall consider the safety and welfare of the victim and~~
20 ~~may impose a sentence of probation only where:~~

21 (1) ~~the court finds (A) or (B) or both are~~
22 ~~appropriate;~~

1 (A)--the--defendant--is--willing--to--undergo-a
 2 court-approved--counseling--program--for--a--minimum
 3 duration-of-2-years;-or

4 (B)--the-defendant-is-willing-to-participate-in
 5 a--court--approved-plan-including-but-not-limited-to
 6 the-defendant's:

7 (i)--removal-from-the-household;

8 (ii)--restricted-contact-with-the-victim;

9 (iii)--continued-financial-support-of--the
 10 family;

11 (iv)--restitution--for--harm--done--to-the
 12 victim;-and

13 (v)--compliance-with--any--other--measures
 14 that-the-court-may-deem-appropriate;-and

15 (2)--the--court--orders-the-defendant-to-pay-for-the
 16 victim's-counseling-services,-to--the--extent--that--the
 17 court-finds,-after-considering-the-defendant's-income-and
 18 assets,-that--the--defendant--is--financially-capable-of
 19 paying-for-such-services,-if--the--victim--was--under--18
 20 years--of--age--at-the-time-the-offense-was-committed-and
 21 requires-counseling-as-a-result-of-the-offense.

22 Probation-may-be-revoked-or-modified-pursuant-to--Section
 23 5-6-4;-except-where-the-court-determines-at-the-hearing-that
 24 the-defendant-violated-a-condition-of-his--or--her--probation
 25 restricting--contact--with-the-victim-or-other-family-members
 26 or-commits-another-offense-with-the-victim--or--other--family
 27 members,-the-court-shall-revoke-the-defendant's-probation-and
 28 impose-a-term-of-imprisonment.

29 For--the--purposes--of--this-Section,-"family-member"-and
 30 "victim"-shall-have-the-meanings-ascribed-to-them-in--Section
 31 12-12-of-the-Criminal-Code-of-1961."