



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB4680

Introduced 1/12/2006, by Rep. Roger Jenisch

SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-13

from Ch. 38, par. 12-13

Amends the Criminal Code of 1961. Provides that criminal sexual assault also occurs when a person commits an act of sexual penetration with a victim who is under 19 years of age and is still attending high school when the act was committed and the accused was 17 years of age or older and held a position of trust, authority, or supervision at the same high school. Provides that a violation is a Class 1 felony for a first offense and a Class X felony for a second or subsequent offense.

LRB094 17696 RLC 52994 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

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 1961 is amended by changing
5 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 of
11 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; or

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

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

28 (b) Sentence.

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

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

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

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

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

33 (5) When a person has any such prior conviction, the
34 information or indictment charging that person shall state
35 such prior conviction so as to give notice of the State's
36 intention to treat the charge as a Class X felony. The fact

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

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