HB0281

95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB0281

Introduced 1/19/2007, by Rep. Esther Golar

SYNOPSIS AS INTRODUCED:

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

Amends the Criminal Code of 1961. Provides that a prosecution for theft of property exceeding $100,000 in value, identity theft, aggravated identity theft, or any violation of the Illinois Financial Crime Law may be commenced within 7 years of the last act committed in furtherance of the crime.

LRB095 04463 RLC 24510 b

A BILL FOR

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 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 following

10   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

17   thereof.

18   (2) In any other instance, within one year after the

19   discovery of the offense by an aggrieved person, or by a

20   person who has legal capacity to represent an aggrieved

21   person or has a legal duty to report the offense, and is

22   not himself or herself a party to the offense; or in the

23   absence of such discovery, within one year after the proper

1   prosecuting officer becomes aware of the offense. However,

2   in no such case is the period of limitation so extended

3   more than 3 years beyond the expiration of the period

4   otherwise applicable.

5   (b) A prosecution for any offense based upon misconduct in

6   office by a public officer or employee may be commenced within

7   one year after discovery of the offense by a person having a

8   legal duty to report such offense, or in the absence of such

9   discovery, within one year after the proper prosecuting officer

10   becomes aware of the offense. However, in no such case is the

11   period of limitation so extended more than 3 years beyond the

12   expiration of the period otherwise applicable.

13   (c) Except as otherwise provided in subsection (a) of

14   Section 3-5 of this Code and subdivision (i) or (j) of this

15   Section, a prosecution for any offense involving sexual conduct

16   or sexual penetration, as defined in Section 12-12 of this

17   Code, where the victim and defendant are family members, as

18   defined in Section 12-12 of this Code, may be commenced within

19   one year of the victim attaining the age of 18 years.

20   (d) A prosecution for child pornography, indecent

21   solicitation of a child, soliciting for a juvenile prostitute,

22   juvenile pimping or exploitation of a child may be commenced

23   within one year of the victim attaining the age of 18 years.

24   However, in no such case shall the time period for prosecution

25   expire sooner than 3 years after the commission of the offense.

26   When the victim is under 18 years of age, a prosecution for

1   criminal sexual abuse may be commenced within one year of the

2   victim attaining the age of 18 years. However, in no such case

3   shall the time period for prosecution expire sooner than 3

4   years after the commission of the offense.

5   (e) Except as otherwise provided in subdivision (j), a

6   prosecution for any offense involving sexual conduct or sexual

7   penetration, as defined in Section 12-12 of this Code, where

8   the defendant was within a professional or fiduciary

9   relationship or a purported professional or fiduciary

10   relationship with the victim at the time of the commission of

11   the offense may be commenced within one year after the

12   discovery of the offense by the victim.

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

14   of the "Environmental Protection Act", approved June 29, 1970,

15   as amended, may be commenced within 5 years after the discovery

16   of such an offense by a person or agency having the legal duty

17   to report the offense or in the absence of such discovery,

18   within 5 years after the proper prosecuting officer becomes

19   aware of the offense.

20   (f-5) A prosecution for any offense set forth in Section

21   16G-15 or 16G-20 of this Code may be commenced within 5 years

22   after the discovery of the offense by the victim of that

23   offense.

24   (g) (Blank).

25   (h) (Blank).

26   (i) Except as otherwise provided in subdivision (j), a

1   prosecution for criminal sexual assault, aggravated criminal

2   sexual assault, or aggravated criminal sexual abuse may be

3   commenced within 10 years of the commission of the offense if

4   the victim reported the offense to law enforcement authorities

5   within 3 years after the commission of the offense.

6   Nothing in this subdivision (i) shall be construed to

7   shorten a period within which a prosecution must be commenced

8   under any other provision of this Section.

9   (j) When the victim is under 18 years of age at the time of

10 the offense, a prosecution for criminal sexual assault,

11 aggravated criminal sexual assault, predatory criminal sexual

12 assault of a child, or aggravated criminal sexual abuse or a

13 prosecution for failure of a person who is required to report

14 an alleged or suspected commission of any of these offenses

15 under the Abused and Neglected Child Reporting Act may be

16 commenced within 20 years after the child victim attains 18

17 years of age.

18   Nothing in this subdivision (j) shall be construed to

19 shorten a period within which a prosecution must be commenced

20 under any other provision of this Section.

21   (k) A prosecution for theft involving real property

22 exceeding $100,000 in value under Section 16-1, identity theft

23 under Section 16G-15, aggravated identity theft under Section

24 16G-20, or any offense set forth in Article 16H may be

25 commenced within 7 years of the last act committed in

26 furtherance of the crime.

1   (Source: P.A. 93-356, eff. 7-24-03; 94-253, eff. 1-1-06;

2   94-990, eff. 1-1-07.)