



Rep. Annazette Collins

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LRB095 07915 RLC 51629 a

1 AMENDMENT TO HOUSE BILL 1518

2 AMENDMENT NO. _____. Amend House Bill 1518 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 1961 is amended by
5 changing Sections 12-13, 12-15, and 12-16 as follows:

6 (720 ILCS 5/12-13) (from Ch. 38, par. 12-13)
7 (Text of Section after amendment by P.A. 95-640)
8 Sec. 12-13. Criminal Sexual Assault.

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

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

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

16 (3) commits an act of sexual penetration with a victim

1 who was under 18 years of age when the act was committed
2 and the accused was a family member; or

3 (4) commits an act of sexual penetration with a victim
4 who was at least 13 years of age but under 14 ~~18~~ years of
5 age when the act was committed and the accused was 17 years
6 of age or over and held a position of trust, authority or
7 supervision in relation to the victim.

8 (b) Sentence.

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

10 (2) A person who is convicted of the offense of
11 criminal sexual assault as defined in paragraph (a)(1) or
12 (a)(2) after having previously been convicted of the
13 offense of criminal sexual assault or the offense of
14 exploitation of a child, or who is convicted of the offense
15 of criminal sexual assault as defined in paragraph (a)(1)
16 or (a)(2) after having previously been convicted under the
17 laws of this State or any other state of an offense that is
18 substantially equivalent to the offense of criminal sexual
19 assault or to the offense of exploitation of a child,
20 commits a Class X felony for which the person shall be
21 sentenced to a term of imprisonment of not less than 30
22 years and not more than 60 years. The commission of the
23 second or subsequent offense is required to have been after
24 the initial conviction for this paragraph (2) to apply.

25 (3) A person who is convicted of the offense of
26 criminal sexual assault as defined in paragraph (a)(1) or

1 (a)(2) after having previously been convicted of the
2 offense of aggravated criminal sexual assault or the
3 offense of predatory criminal sexual assault of a child, or
4 who is convicted of the offense of criminal sexual assault
5 as defined in paragraph (a)(1) or (a)(2) after having
6 previously been convicted under the laws of this State or
7 any other state of an offense that is substantially
8 equivalent to the offense of aggravated criminal sexual
9 assault or the offense of criminal predatory sexual assault
10 shall be sentenced to a term of natural life imprisonment.
11 The commission of the second or subsequent offense is
12 required to have been after the initial conviction for this
13 paragraph (3) to apply.

14 (4) A second or subsequent conviction for a violation
15 of paragraph (a)(3) or (a)(4) or under any similar statute
16 of this State or any other state for any offense involving
17 criminal sexual assault that is substantially equivalent
18 to or more serious than the sexual assault prohibited under
19 paragraph (a)(3) or (a)(4) is a Class X felony.

20 (5) When a person has any such prior conviction, the
21 information or indictment charging that person shall state
22 such prior conviction so as to give notice of the State's
23 intention to treat the charge as a Class X felony. The fact
24 of such prior conviction is not an element of the offense
25 and may not be disclosed to the jury during trial unless
26 otherwise permitted by issues properly raised during such

1 trial.

2 (Source: P.A. 95-640, eff. 6-1-08.)

3 (720 ILCS 5/12-15) (from Ch. 38, par. 12-15)

4 Sec. 12-15. Criminal sexual abuse.

5 (a) The accused commits criminal sexual abuse if he or she:

6 (1) commits an act of sexual conduct by the use of
7 force or threat of force; or

8 (2) commits an act of sexual conduct and the accused
9 knew that the victim was unable to understand the nature of
10 the act or was unable to give knowing consent.

11 (b) The accused commits criminal sexual abuse if the
12 accused was under 17 years of age and commits an act of sexual
13 penetration or sexual conduct with a victim who was at least 9
14 years of age but under 14 ~~17~~ years of age when the act was
15 committed.

16 (c) The accused commits criminal sexual abuse if he or she
17 commits an act of sexual penetration or sexual conduct with a
18 victim who was at least 13 years of age but under 14 ~~17~~ years of
19 age and the accused was less than 5 years older than the
20 victim.

21 (d) Sentence. Criminal sexual abuse for a violation of
22 subsection (b) or (c) of this Section is a Class A misdemeanor.
23 Criminal sexual abuse for a violation of paragraph (1) or (2)
24 of subsection (a) of this Section is a Class 4 felony. A second
25 or subsequent conviction for a violation of subsection (a) of

1 this Section is a Class 2 felony. For purposes of this Section
2 it is a second or subsequent conviction if the accused has at
3 any time been convicted under this Section or under any similar
4 statute of this State or any other state for any offense
5 involving sexual abuse or sexual assault that is substantially
6 equivalent to or more serious than the sexual abuse prohibited
7 under this Section.

8 (Source: P.A. 91-389, eff. 1-1-00.)

9 (720 ILCS 5/12-16) (from Ch. 38, par. 12-16)

10 Sec. 12-16. Aggravated Criminal Sexual Abuse.

11 (a) The accused commits aggravated criminal sexual abuse if
12 he or she commits criminal sexual abuse as defined in
13 subsection (a) of Section 12-15 of this Code and any of the
14 following aggravating circumstances existed during, or for the
15 purposes of paragraph (7) of this subsection (a) as part of the
16 same course of conduct as, the commission of the offense:

17 (1) the accused displayed, threatened to use or used a
18 dangerous weapon or any object fashioned or utilized in
19 such a manner as to lead the victim under the circumstances
20 reasonably to believe it to be a dangerous weapon; or

21 (2) the accused caused bodily harm to the victim; or

22 (3) the victim was 60 years of age or over when the
23 offense was committed; or

24 (4) the victim was a physically handicapped person; or

25 (5) the accused acted in such a manner as to threaten

1 or endanger the life of the victim or any other person; or

2 (6) the criminal sexual abuse was perpetrated during
3 the course of the commission or attempted commission of any
4 other felony by the accused; or

5 (7) the accused delivered (by injection, inhalation,
6 ingestion, transfer of possession, or any other means) to
7 the victim without his or her consent, or by threat or
8 deception, and for other than medical purposes, any
9 controlled substance.

10 (b) The accused commits aggravated criminal sexual abuse if
11 he or she commits an act of sexual conduct with a victim who
12 was under 18 years of age when the act was committed and the
13 accused was a family member.

14 (c) The accused commits aggravated criminal sexual abuse
15 if:

16 (1) the accused was 17 years of age or over and (i)
17 commits an act of sexual conduct with a victim who was
18 under 13 years of age when the act was committed; or (ii)
19 commits an act of sexual conduct with a victim who was at
20 least 13 years of age but under 17 years of age when the
21 act was committed and the accused used force or threat of
22 force to commit the act; or

23 (2) the accused was under 17 years of age and (i)
24 commits an act of sexual conduct with a victim who was
25 under 9 years of age when the act was committed; or (ii)
26 commits an act of sexual conduct with a victim who was at

1 least 9 years of age but under 17 years of age when the act
2 was committed and the accused used force or threat of force
3 to commit the act.

4 (d) The accused commits aggravated criminal sexual abuse if
5 he or she commits an act of sexual penetration or sexual
6 conduct with a victim who was at least 13 years of age but
7 under 14 ~~17~~ years of age and the accused was at least 5 years
8 older than the victim.

9 (e) The accused commits aggravated criminal sexual abuse if
10 he or she commits an act of sexual conduct with a victim who
11 was a severely or profoundly mentally retarded person at the
12 time the act was committed.

13 (f) The accused commits aggravated criminal sexual abuse if
14 he or she commits an act of sexual conduct with a victim who
15 was at least 13 years of age but under 14 ~~18~~ years of age when
16 the act was committed and the accused was 17 years of age or
17 over and held a position of trust, authority or supervision in
18 relation to the victim.

19 (g) Sentence. Aggravated criminal sexual abuse is a Class 2
20 felony.

21 (Source: P.A. 92-434, eff. 1-1-02.)".