



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB5021

by Rep. Mike Boland

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/3-5  
720 ILCS 5/3-6

from Ch. 38, par. 3-5  
from Ch. 38, par. 3-6

Amends the Criminal Code of 1961. Provides that the prosecution for criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, aggravated criminal sexual abuse, or criminal sexual abuse when the victim of any of these offenses is under 18 years of age at the time of the offense, may be commenced at any time.

LRB095 17884 RLC 43964 b

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 Sections 3-5 and 3-6 as follows:

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

7 Sec. 3-5. General Limitations.

8 (a) A prosecution for: (1) first degree murder, attempt to  
9 commit first degree murder, second degree murder, involuntary  
10 manslaughter, reckless homicide, leaving the scene of a motor  
11 vehicle accident involving death or personal injuries under  
12 Section 11-401 of the Illinois Vehicle Code, failing to give  
13 information and render aid under Section 11-403 of the Illinois  
14 Vehicle Code, concealment of homicidal death, treason, arson,  
15 aggravated arson, forgery, ~~or~~ (2) any offense involving sexual  
16 conduct or sexual penetration as defined by Section 12-12 of  
17 this Code in which the DNA profile of the offender is obtained  
18 and entered into a DNA database within 10 years after the  
19 commission of the offense and the identity of the offender is  
20 unknown after a diligent investigation by law enforcement  
21 authorities, or (3) criminal sexual assault, aggravated  
22 criminal sexual assault, predatory criminal sexual assault of a  
23 child, aggravated criminal sexual abuse, or criminal sexual

1 abuse when the victim of any of these offenses is under 18  
2 years of age at the time of the offense, may be commenced at  
3 any time. Clause (2) of this subsection (a) applies if either:  
4 (i) the victim reported the offense to law enforcement  
5 authorities within 2 years after the commission of the offense  
6 unless a longer period for reporting the offense to law  
7 enforcement authorities is provided in Section 3-6 or (ii) the  
8 victim is murdered during the course of the offense or within 2  
9 years after the commission of the offense.

10 (b) Unless the statute describing the offense provides  
11 otherwise, or the period of limitation is extended by Section  
12 3-6, a prosecution for any offense not designated in Subsection  
13 (a) must be commenced within 3 years after the commission of  
14 the offense if it is a felony, or within one year and 6 months  
15 after its commission if it is a misdemeanor.

16 (Source: P.A. 93-834, eff. 7-29-04; 94-487, eff. 11-9-05;  
17 94-683, eff. 11-9-05.)

18 (720 ILCS 5/3-6) (from Ch. 38, par. 3-6)

19 Sec. 3-6. Extended limitations. The period within which a  
20 prosecution must be commenced under the provisions of Section  
21 3-5 or other applicable statute is extended under the following  
22 conditions:

23 (a) A prosecution for theft involving a breach of a  
24 fiduciary obligation to the aggrieved person may be commenced  
25 as follows:

1           (1) If the aggrieved person is a minor or a person  
2 under legal disability, then during the minority or legal  
3 disability or within one year after the termination  
4 thereof.

5           (2) In any other instance, within one year after the  
6 discovery of the offense by an aggrieved person, or by a  
7 person who has legal capacity to represent an aggrieved  
8 person or has a legal duty to report the offense, and is  
9 not himself or herself a party to the offense; or in the  
10 absence of such discovery, within one year after the proper  
11 prosecuting officer becomes aware of the offense. However,  
12 in no such case is the period of limitation so extended  
13 more than 3 years beyond the expiration of the period  
14 otherwise applicable.

15           (b) A prosecution for any offense based upon misconduct in  
16 office by a public officer or employee may be commenced within  
17 one year after discovery of the offense by a person having a  
18 legal duty to report such offense, or in the absence of such  
19 discovery, within one year after the proper prosecuting officer  
20 becomes aware of the offense. However, in no such case is the  
21 period of limitation so extended more than 3 years beyond the  
22 expiration of the period otherwise applicable.

23           (c) Except as otherwise provided in subsection (a) of  
24 Section 3-5 of this Code and subdivision (i) or (j) of this  
25 Section, a prosecution for any offense involving sexual conduct  
26 or sexual penetration, as defined in Section 12-12 of this

1 Code, where the victim and defendant are family members, as  
2 defined in Section 12-12 of this Code, may be commenced within  
3 one year of the victim attaining the age of 18 years.

4 (d) A prosecution for child pornography, indecent  
5 solicitation of a child, soliciting for a juvenile prostitute,  
6 juvenile pimping or exploitation of a child may be commenced  
7 within one year of the victim attaining the age of 18 years.  
8 However, in no such case shall the time period for prosecution  
9 expire sooner than 3 years after the commission of the offense.  
10 When the victim is under 18 years of age, a prosecution for  
11 criminal sexual abuse may be commenced within one year of the  
12 victim attaining the age of 18 years. However, in no such case  
13 shall the time period for prosecution expire sooner than 3  
14 years after the commission of the offense.

15 (e) Except as otherwise provided in subsection (a) of  
16 Section 3-5 of this Code and subdivision (j), a prosecution for  
17 any offense involving sexual conduct or sexual penetration, as  
18 defined in Section 12-12 of this Code, where the defendant was  
19 within a professional or fiduciary relationship or a purported  
20 professional or fiduciary relationship with the victim at the  
21 time of the commission of the offense may be commenced within  
22 one year after the discovery of the offense by the victim.

23 (f) A prosecution for any offense set forth in Section 44  
24 of the "Environmental Protection Act", approved June 29, 1970,  
25 as amended, may be commenced within 5 years after the discovery  
26 of such an offense by a person or agency having the legal duty

1 to report the offense or in the absence of such discovery,  
2 within 5 years after the proper prosecuting officer becomes  
3 aware of the offense.

4 (f-5) A prosecution for any offense set forth in Section  
5 16G-15 or 16G-20 of this Code may be commenced within 5 years  
6 after the discovery of the offense by the victim of that  
7 offense.

8 (g) (Blank).

9 (h) (Blank).

10 (i) Except as otherwise provided in subsection (a) of  
11 Section 3-5 of this Code and subdivision (j), a prosecution for  
12 criminal sexual assault, aggravated criminal sexual assault,  
13 or aggravated criminal sexual abuse may be commenced within 10  
14 years of the commission of the offense if the victim reported  
15 the offense to law enforcement authorities within 3 years after  
16 the commission of the offense.

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

20 (j) When the victim is under 18 years of age at the time of  
21 the offense, a prosecution for failure of a person who is  
22 required to report an alleged or suspected commission of  
23 criminal sexual assault, aggravated criminal sexual assault,  
24 predatory criminal sexual assault of a child, or aggravated  
25 criminal sexual abuse ~~or a prosecution for failure of a person~~  
26 ~~who is required to report an alleged or suspected commission of~~

1 ~~any of these offenses~~ under the Abused and Neglected Child  
2 Reporting Act may be commenced within 20 years after the child  
3 victim attains 18 years of age.

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

7 (k) A prosecution for theft involving real property  
8 exceeding \$100,000 in value under Section 16-1, identity theft  
9 under Section 16G-15, aggravated identity theft under Section  
10 16G-20, or any offense set forth in Article 16H may be  
11 commenced within 7 years of the last act committed in  
12 furtherance of the crime.

13 (Source: P.A. 94-253, eff. 1-1-06; 94-990, eff. 1-1-07; 95-548,  
14 eff. 8-30-07.)