

HB1261



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB1261

Introduced 2/18/2009, by Rep. Jack D. Franks

SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-13

from Ch. 38, par. 12-13

Amends the Criminal Code of 1961. Makes a technical change in a Section concerning criminal sexual assault.

LRB096 10231 RLC 20399 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 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 ~~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.

23 (b) Sentence.

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

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

17 (3) A person who is convicted of the offense of
18 criminal sexual assault as defined in paragraph (a)(1) or
19 (a)(2) after having previously been convicted of the
20 offense of aggravated criminal sexual assault or the
21 offense of predatory criminal sexual assault of a child, or
22 who is convicted of the offense of criminal sexual assault
23 as defined in paragraph (a)(1) or (a)(2) after having
24 previously been convicted under the laws of this State or
25 any other state of an offense that is substantially
26 equivalent to the offense of aggravated criminal sexual

1 assault or the offense of criminal predatory sexual assault
2 shall be sentenced to a term of natural life imprisonment.
3 The commission of the second or subsequent offense is
4 required to have been after the initial conviction for this
5 paragraph (3) to apply.

6 (4) A second or subsequent conviction for a violation
7 of paragraph (a) (3) or (a) (4) or under any similar statute
8 of this State or any other state for any offense involving
9 criminal sexual assault that is substantially equivalent
10 to or more serious than the sexual assault prohibited under
11 paragraph (a) (3) or (a) (4) is a Class X felony.

12 (5) When a person has any such prior conviction, the
13 information or indictment charging that person shall state
14 such prior conviction so as to give notice of the State's
15 intention to treat the charge as a Class X felony. The fact
16 of such prior conviction is not an element of the offense
17 and may not be disclosed to the jury during trial unless
18 otherwise permitted by issues properly raised during such
19 trial.

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