



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB2361

Introduced 2/19/2009, by Rep. Michael K. Smith

SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-13

from Ch. 38, par. 12-13

720 ILCS 5/12-14

from Ch. 38, par. 12-14

Amends the Criminal Code of 1961. Provides that a person convicted of criminal sexual assault or aggravated criminal sexual assault when the criminal sexual assault or aggravated criminal sexual assault was committed against 2 or more persons who were under 18 years of age at the time of the commission of the offense regardless of whether the offenses occurred as the result of the same act or of several related or unrelated acts shall be sentenced to a term of natural life imprisonment.

LRB096 10388 RLC 20558 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

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 Sections 12-13 and 12-14 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.

23 (b) Sentence.

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

2 (1.1) A person convicted of criminal sexual assault
3 committed against 2 or more persons who were under 18 years
4 of age at the time of the commission of the offense
5 regardless of whether the offenses occurred as the result
6 of the same act or of several related or unrelated acts
7 shall be sentenced to a term of natural life imprisonment.

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

23 (3) A person who is convicted of the offense of
24 criminal sexual assault as defined in paragraph (a)(1) or
25 (a)(2) after having previously been convicted of the
26 offense of aggravated criminal sexual assault or the

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

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

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

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

1 (720 ILCS 5/12-14) (from Ch. 38, par. 12-14)

2 Sec. 12-14. Aggravated Criminal Sexual Assault.

3 (a) The accused commits aggravated criminal sexual assault
4 if he or she commits criminal sexual assault and any of the
5 following aggravating circumstances existed during, or for the
6 purposes of paragraph (7) of this subsection (a) as part of the
7 same course of conduct as, the commission of the offense:

8 (1) the accused displayed, threatened to use, or used a
9 dangerous weapon, other than a firearm, or any object
10 fashioned or utilized in such a manner as to lead the
11 victim under the circumstances reasonably to believe it to
12 be a dangerous weapon; or

13 (2) the accused caused bodily harm, except as provided
14 in subsection (a) (10), to the victim; or

15 (3) the accused acted in such a manner as to threaten
16 or endanger the life of the victim or any other person; or

17 (4) the criminal sexual assault was perpetrated during
18 the course of the commission or attempted commission of any
19 other felony by the accused; or

20 (5) the victim was 60 years of age or over when the
21 offense was committed; or

22 (6) the victim was a physically handicapped person; or

23 (7) the accused delivered (by injection, inhalation,
24 ingestion, transfer of possession, or any other means) to
25 the victim without his or her consent, or by threat or

1 deception, and for other than medical purposes, any
2 controlled substance; or

3 (8) the accused was armed with a firearm; or

4 (9) the accused personally discharged a firearm during
5 the commission of the offense; or

6 (10) the accused, during the commission of the offense,
7 personally discharged a firearm that proximately caused
8 great bodily harm, permanent disability, permanent
9 disfigurement, or death to another person.

10 (b) The accused commits aggravated criminal sexual assault
11 if the accused was under 17 years of age and (i) commits an act
12 of sexual penetration with a victim who was under 9 years of
13 age when the act was committed; or (ii) commits an act of
14 sexual penetration with a victim who was at least 9 years of
15 age but under 13 years of age when the act was committed and
16 the accused used force or threat of force to commit the act.

17 (c) The accused commits aggravated criminal sexual assault
18 if he or she commits an act of sexual penetration with a victim
19 who was a severely or profoundly mentally retarded person at
20 the time the act was committed.

21 (d) Sentence.

22 (1) Aggravated criminal sexual assault in violation of
23 paragraph (2), (3), (4), (5), (6), or (7) of subsection (a)
24 or in violation of subsection (b) or (c) is a Class X
25 felony. A violation of subsection (a)(1) is a Class X
26 felony for which 10 years shall be added to the term of

1 imprisonment imposed by the court. A violation of
2 subsection (a)(8) is a Class X felony for which 15 years
3 shall be added to the term of imprisonment imposed by the
4 court. A violation of subsection (a)(9) is a Class X felony
5 for which 20 years shall be added to the term of
6 imprisonment imposed by the court. A violation of
7 subsection (a)(10) is a Class X felony for which 25 years
8 or up to a term of natural life imprisonment shall be added
9 to the term of imprisonment imposed by the court.

10 (1.1) A person convicted of aggravated criminal sexual
11 assault committed against 2 or more persons who were under
12 18 years of age at the time of the commission of the
13 offense regardless of whether the offenses occurred as the
14 result of the same act or of several related or unrelated
15 acts shall be sentenced to a term of natural life
16 imprisonment.

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

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

7 (Source: P.A. 91-404, eff. 1-1-00; 92-434, eff. 1-1-02; 92-502,
8 eff. 12-19-01; 92-721, eff. 1-1-03.)