



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5092

Introduced 1/29/2010, by Rep. Daniel V. Beiser

SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-14

from Ch. 38, par. 12-14

Amends the Criminal Code of 1961. Provides that aggravated criminal sexual assault when the accused delivered (by injection, inhalation, ingestion, transfer of possession, or any other means) to the victim without his or her consent, or by threat or deception, and for other than medical purposes, any controlled substance is a Class X felony for which 10 years shall be added to the term of imprisonment imposed by the court (rather than a Class X felony). Provides that in addition to any other penalties imposed for aggravated criminal sexual assault, the court may add up to 25 years to the sentence if a sexually transmitted disease was transmitted from the accused to the victim during the commission of the offense.

LRB096 18950 RLC 34338 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 Section 12-14 as follows:

6 (720 ILCS 5/12-14) (from Ch. 38, par. 12-14)

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

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

13 (1) the accused displayed, threatened to use, or used a
14 dangerous weapon, other than a firearm, or any object
15 fashioned or utilized in such a manner as to lead the
16 victim under the circumstances reasonably to believe it to
17 be a dangerous weapon; or

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

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

22 (4) the criminal sexual assault was perpetrated during
23 the course of the commission or attempted commission of any

1 other felony by the accused; or

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

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

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

11 (9) the accused personally discharged a firearm during
12 the commission of the offense; or

13 (10) the accused, during the commission of the offense,
14 personally discharged a firearm that proximately caused
15 great bodily harm, permanent disability, permanent
16 disfigurement, or death to another person.

17 (b) The accused commits aggravated criminal sexual assault
18 if the accused was under 17 years of age and (i) commits an act
19 of sexual penetration with a victim who was under 9 years of
20 age when the act was committed; or (ii) commits an act of
21 sexual penetration with a victim who was at least 9 years of
22 age but under 13 years of age when the act was committed and
23 the accused used force or threat of force to commit the act.

24 (c) The accused commits aggravated criminal sexual assault
25 if he or she commits an act of sexual penetration with a victim
26 who was a severely or profoundly mentally retarded person at

1 the time the act was committed.

2 (d) Sentence.

3 (1) Aggravated criminal sexual assault in violation of
4 paragraph (2), (3), (4), (5), or (6), ~~or (7)~~ of subsection
5 (a) or in violation of subsection (b) or (c) is a Class X
6 felony. A violation of subsection (a)(1) or (a)(7) is a
7 Class X felony for which 10 years shall be added to the
8 term of imprisonment imposed by the court. A violation of
9 subsection (a)(8) is a Class X felony for which 15 years
10 shall be added to the term of imprisonment imposed by the
11 court. A violation of subsection (a)(9) is a Class X felony
12 for which 20 years shall be added to the term of
13 imprisonment imposed by the court. A violation of
14 subsection (a)(10) is a Class X felony for which 25 years
15 or up to a term of natural life imprisonment shall be added
16 to the term of imprisonment imposed by the court. In
17 addition to any other penalties imposed for aggravated
18 criminal sexual assault, the court may add up to 25 years
19 to the sentence if a sexually transmitted disease was
20 transmitted from the accused to the victim during the
21 commission of the offense.

22 (2) A person who is convicted of a second or subsequent
23 offense of aggravated criminal sexual assault, or who is
24 convicted of the offense of aggravated criminal sexual
25 assault after having previously been convicted of the
26 offense of criminal sexual assault or the offense of

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

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