



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB2886

Introduced 2/22/2011, by Rep. Charles E. Jefferson

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 a prosecution for any sex offense may be commenced at any time if the victim was under 18 years of age at the time of the offense.

LRB097 08481 RLC 48608 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, child pornography under paragraph
16 (1) of subsection (a) of Section 11-20.1, aggravated child
17 pornography under paragraph (1) of subsection (a) of Section
18 11-20.3, ~~or~~ (2) any offense involving sexual conduct or sexual
19 penetration, as defined by Section 12-12 of this Code in which
20 the DNA profile of the offender is obtained and entered into a
21 DNA database within 10 years after the commission of the
22 offense, or (3) any offense: (A) under Article 11 of the
23 Criminal Code of 1961 or (B) criminal sexual assault,

1 aggravated criminal sexual assault, predatory criminal sexual
2 assault of a child, aggravated criminal sexual abuse, or
3 criminal sexual abuse when the victim of any of the offenses
4 listed in clause (A) or (B) of this paragraph (3) was under 18
5 years of age at the time of the offense, may be commenced at
6 any time. Clause (2) of this subsection (a) applies if either:
7 (i) the victim reported the offense to law enforcement
8 authorities within 3 years after the commission of the offense
9 unless a longer period for reporting the offense to law
10 enforcement authorities is provided in Section 3-6 or (ii) the
11 victim is murdered during the course of the offense or within 2
12 years after the commission of the offense.

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

19 (Source: P.A. 95-899, eff. 1-1-09; 96-292, eff. 1-1-10.)

20 (720 ILCS 5/3-6) (from Ch. 38, par. 3-6)

21 Sec. 3-6. Extended limitations. The period within which a
22 prosecution must be commenced under the provisions of Section
23 3-5 or other applicable statute is extended under the following
24 conditions:

25 (a) A prosecution for theft involving a breach of a

1 fiduciary obligation to the aggrieved person may be commenced
2 as follows:

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

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

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

25 (c) (Blank).

26 (d) (Blank) ~~A prosecution for child pornography, indecent~~

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

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

19 (f) A prosecution for any offense set forth in Section 44
20 of the "Environmental Protection Act", approved June 29, 1970,
21 as amended, may be commenced within 5 years after the discovery
22 of such an offense by a person or agency having the legal duty
23 to report the offense or in the absence of such discovery,
24 within 5 years after the proper prosecuting officer becomes
25 aware of the offense.

26 (f-5) A prosecution for any offense set forth in Section

1 16G-15 or 16G-20 of this Code may be commenced within 5 years
2 after the discovery of the offense by the victim of that
3 offense.

4 (g) (Blank).

5 (h) (Blank).

6 (i) Except as otherwise provided in subdivision (j), a
7 prosecution for criminal sexual assault, aggravated criminal
8 sexual assault, or aggravated criminal sexual abuse may be
9 commenced within 10 years of the commission of the offense if
10 the victim reported the offense to law enforcement authorities
11 within 3 years after the commission of the offense.

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

15 (j) When the victim is under 18 years of age at the time of
16 the offense, a prosecution for ~~criminal sexual assault,~~
17 ~~aggravated criminal sexual assault, predatory criminal sexual~~
18 ~~assault of a child, aggravated criminal sexual abuse, or felony~~
19 ~~criminal sexual abuse, or a prosecution for~~ failure of a person
20 who is required to report an alleged or suspected commission of
21 criminal sexual assault, aggravated criminal sexual assault,
22 predatory criminal sexual assault of a child, aggravated
23 criminal sexual abuse, or felony criminal sexual abuse ~~any of~~
24 ~~these offenses~~ under the Abused and Neglected Child Reporting
25 Act may be commenced within 20 years after the child victim
26 attains 18 years of age. ~~When the victim is under 18 years of~~

1 ~~age at the time of the offense, a prosecution for misdemeanor~~
2 ~~criminal sexual abuse may be commenced within 10 years after~~
3 ~~the child 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. 95-548, eff. 8-30-07; 96-233, eff. 1-1-10.)