

# HB4392



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

**HB4392**

Introduced 1/30/2012, by Rep. Michael J. Madigan

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/3-6

from Ch. 38, par. 3-6

Amends the Criminal Code of 1961. Makes a technical change in a Section concerning extended statutes of limitations.

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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 3-6 as follows:

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

7 Sec. 3-6. Extended limitations. ~~The~~ The period within which  
8 a prosecution must be commenced under the provisions of Section  
9 3-5 or other applicable statute is extended under the following  
10 conditions:

11 (a) A prosecution for theft involving a breach of a  
12 fiduciary obligation to the aggrieved person may be commenced  
13 as follows:

14 (1) If the aggrieved person is a minor or a person  
15 under legal disability, then during the minority or legal  
16 disability or within one year after the termination  
17 thereof.

18 (2) In any other instance, within one year after the  
19 discovery of the offense by an aggrieved person, or by a  
20 person who has legal capacity to represent an aggrieved  
21 person or has a legal duty to report the offense, and is  
22 not himself or herself a party to the offense; or in the  
23 absence of such discovery, within one year after the proper

1 prosecuting officer becomes aware of the offense. However,  
2 in no such case is the period of limitation so extended  
3 more than 3 years beyond the expiration of the period  
4 otherwise applicable.

5 (b) A prosecution for any offense based upon misconduct in  
6 office by a public officer or employee may be commenced within  
7 one year after discovery of the offense by a person having a  
8 legal duty to report such offense, or in the absence of such  
9 discovery, within one year after the proper prosecuting officer  
10 becomes aware of the offense. However, in no such case is the  
11 period of limitation so extended more than 3 years beyond the  
12 expiration of the period otherwise applicable.

13 (c) (Blank).

14 (d) A prosecution for child pornography, aggravated child  
15 pornography, indecent solicitation of a child, soliciting for a  
16 juvenile prostitute, juvenile pimping, exploitation of a  
17 child, or promoting juvenile prostitution except for keeping a  
18 place of juvenile prostitution may be commenced within one year  
19 of the victim attaining the age of 18 years. However, in no  
20 such case shall the time period for prosecution expire sooner  
21 than 3 years after the commission of the offense. When the  
22 victim is under 18 years of age, a prosecution for criminal  
23 sexual abuse may be commenced within one year of the victim  
24 attaining the age of 18 years. However, in no such case shall  
25 the time period for prosecution expire sooner than 3 years  
26 after the commission of the offense.

1           (e) Except as otherwise provided in subdivision (j), a  
2 prosecution for any offense involving sexual conduct or sexual  
3 penetration, as defined in Section 11-0.1 of this Code, where  
4 the defendant was within a professional or fiduciary  
5 relationship or a purported professional or fiduciary  
6 relationship with the victim at the time of the commission of  
7 the offense may be commenced within one year after the  
8 discovery of the offense by the victim.

9           (f) A prosecution for any offense set forth in Section 44  
10 of the "Environmental Protection Act", approved June 29, 1970,  
11 as amended, may be commenced within 5 years after the discovery  
12 of such an offense by a person or agency having the legal duty  
13 to report the offense or in the absence of such discovery,  
14 within 5 years after the proper prosecuting officer becomes  
15 aware of the offense.

16           (f-5) A prosecution for any offense set forth in Section  
17 16-30 of this Code may be commenced within 5 years after the  
18 discovery of the offense by the victim of that offense.

19           (g) (Blank).

20           (h) (Blank).

21           (i) Except as otherwise provided in subdivision (j), a  
22 prosecution for criminal sexual assault, aggravated criminal  
23 sexual assault, or aggravated criminal sexual abuse may be  
24 commenced within 10 years of the commission of the offense if  
25 the victim reported the offense to law enforcement authorities  
26 within 3 years after the commission of the offense.

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

4           (j) When the victim is under 18 years of age at the time of  
5 the offense, a prosecution for criminal sexual assault,  
6 aggravated criminal sexual assault, predatory criminal sexual  
7 assault of a child, aggravated criminal sexual abuse, or felony  
8 criminal sexual abuse, or a prosecution for failure of a person  
9 who is required to report an alleged or suspected commission of  
10 any of these offenses under the Abused and Neglected Child  
11 Reporting Act may be commenced within 20 years after the child  
12 victim attains 18 years of age. When the victim is under 18  
13 years of age at the time of the offense, a prosecution for  
14 misdemeanor criminal sexual abuse may be commenced within 10  
15 years after the child victim attains 18 years of age.

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

19           (k) A prosecution for theft involving real property  
20 exceeding \$100,000 in value under Section 16-1, identity theft  
21 under subsection (a) of Section 16-30, aggravated identity  
22 theft under subsection (b) of Section 16-30, or any offense set  
23 forth in Article 16H or Section 17-10.6 may be commenced within  
24 7 years of the last act committed in furtherance of the crime.

25           (Source: P.A. 96-233, eff. 1-1-10; 96-1551, Article 2, Section  
26 1035, eff. 7-1-11; 96-1551, Article 10, Section 10-140, eff.

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1 7-1-11; 97-597, eff. 1-1-12.)