



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB3195

by Rep. Martin J Moylan

SYNOPSIS AS INTRODUCED:

720 ILCS 5/11-1.40

was 720 ILCS 5/12-14.1

Amends the Criminal Code of 2012. Provides that a defendant convicted of predatory criminal sexual assault of a child for a first offense shall be sentenced to a term of imprisonment of not less than 20 (rather than 6) years.

LRB098 07702 RLC 37778 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 2012 is amended by changing
5 Section 11-1.40 as follows:

6 (720 ILCS 5/11-1.40) (was 720 ILCS 5/12-14.1)

7 Sec. 11-1.40. Predatory criminal sexual assault of a child.

8 (a) A person commits predatory criminal sexual assault of a
9 child if that person commits an act of sexual penetration, is
10 17 years of age or older, and:

11 (1) the victim is under 13 years of age; or

12 (2) the victim is under 13 years of age and that
13 person:

14 (A) is armed with a firearm;

15 (B) personally discharges a firearm during the
16 commission of the offense;

17 (C) causes great bodily harm to the victim that:

18 (i) results in permanent disability; or

19 (ii) is life threatening; or

20 (D) delivers (by injection, inhalation, ingestion,
21 transfer of possession, or any other means) any
22 controlled substance to the victim without the
23 victim's consent or by threat or deception, for other

1 than medical purposes.

2 (b) Sentence.

3 (1) A person convicted of a violation of subsection
4 (a) (1) commits a Class X felony, for which the person shall
5 be sentenced to a term of imprisonment of not less than 20
6 ~~6~~ years and not more than 60 years. A person convicted of a
7 violation of subsection (a) (2) (A) commits a Class X felony
8 for which 15 years shall be added to the term of
9 imprisonment imposed by the court. A person convicted of a
10 violation of subsection (a) (2) (B) commits a Class X felony
11 for which 20 years shall be added to the term of
12 imprisonment imposed by the court. A person convicted of a
13 violation of subsection (a) (2) (C) commits a Class X felony
14 for which the person shall be sentenced to a term of
15 imprisonment of not less than 50 years or up to a term of
16 natural life imprisonment.

17 (1.1) A person convicted of a violation of subsection
18 (a) (2) (D) commits a Class X felony for which the person
19 shall be sentenced to a term of imprisonment of not less
20 than 50 years and not more than 60 years.

21 (1.2) A person convicted of predatory criminal sexual
22 assault of a child committed against 2 or more persons
23 regardless of whether the offenses occurred as the result
24 of the same act or of several related or unrelated acts
25 shall be sentenced to a term of natural life imprisonment.

26 (2) A person who is convicted of a second or subsequent

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

16 (Source: P.A. 95-640, eff. 6-1-08; 96-1551, eff. 7-1-11.)