



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB1549

Introduced 2/6/2015, by Rep. Scott Drury

SYNOPSIS AS INTRODUCED:

720 ILCS 5/11-1.30

was 720 ILCS 5/12-14

Amends the Criminal Code of 2012. Makes a technical change in a Section concerning aggravated criminal sexual assault.

LRB099 08800 RLC 28970 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 2012 is amended by changing
5 Section 11-1.30 as follows:

6 (720 ILCS 5/11-1.30) (was 720 ILCS 5/12-14)

7 Sec. 11-1.30. Aggravated Criminal Sexual Assault.

8 (a) A person commits aggravated criminal sexual assault if
9 ~~if~~ that person commits criminal sexual assault and any of the
10 following aggravating circumstances exist during the
11 commission of the offense or, for purposes of paragraph (7),
12 occur as part of the same course of conduct as the commission
13 of the offense:

14 (1) the person displays, threatens to use, or uses a
15 dangerous weapon, other than a firearm, or any other object
16 fashioned or used in a manner that leads the victim, under
17 the circumstances, reasonably to believe that the object is
18 a dangerous weapon;

19 (2) the person causes bodily harm to the victim, except
20 as provided in paragraph (10);

21 (3) the person acts in a manner that threatens or
22 endangers the life of the victim or any other person;

23 (4) the person commits the criminal sexual assault

1 during the course of committing or attempting to commit any
2 other felony;

3 (5) the victim is 60 years of age or older;

4 (6) the victim is a physically handicapped person;

5 (7) the person delivers (by injection, inhalation,
6 ingestion, transfer of possession, or any other means) any
7 controlled substance to the victim without the victim's
8 consent or by threat or deception for other than medical
9 purposes;

10 (8) the person is armed with a firearm;

11 (9) the person personally discharges a firearm during
12 the commission of the offense; or

13 (10) the person personally discharges a firearm during
14 the commission of the offense, and that discharge
15 proximately causes great bodily harm, permanent
16 disability, permanent disfigurement, or death to another
17 person.

18 (b) A person commits aggravated criminal sexual assault if
19 that person is under 17 years of age and: (i) commits an act of
20 sexual penetration with a victim who is under 9 years of age;
21 or (ii) commits an act of sexual penetration with a victim who
22 is at least 9 years of age but under 13 years of age and the
23 person uses force or threat of force to commit the act.

24 (c) A person commits aggravated criminal sexual assault if
25 that person commits an act of sexual penetration with a victim
26 who is a severely or profoundly intellectually disabled person.

1 (d) Sentence.

2 (1) Aggravated criminal sexual assault in violation of
3 paragraph (2), (3), (4), (5), (6), or (7) of subsection (a)
4 or in violation of subsection (b) or (c) is a Class X
5 felony. A violation of subsection (a)(1) is a Class X
6 felony for which 10 years shall be added to the term of
7 imprisonment imposed by the court. A violation of
8 subsection (a)(8) is a Class X felony for which 15 years
9 shall be added to the term of imprisonment imposed by the
10 court. A violation of subsection (a)(9) is a Class X felony
11 for which 20 years shall be added to the term of
12 imprisonment imposed by the court. A violation of
13 subsection (a)(10) is a Class X felony for which 25 years
14 or up to a term of natural life imprisonment shall be added
15 to the term of imprisonment imposed by the court.

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

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

6 (Source: P.A. 96-1551, eff. 7-1-11; incorporates 97-227, eff.
7 1-1-12; 97-1109, eff. 1-1-13.)