

1 AMENDMENT TO HOUSE BILL 1125

2 AMENDMENT NO. _____. Amend House Bill 1125 as follows:
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Criminal Code of 1961 is amended by
6 changing Sections 11-11 and 12-14 as follows:

7 (720 ILCS 5/11-11) (from Ch. 38, par. 11-11)

8 Sec. 11-11. Sexual Relations Within Families. (a) A
9 person commits sexual relations within families if he or she:

10 (1) Commits an act of sexual penetration as defined in
11 Section 12-12 of this Code; and

12 (2) The person knows that he or she is related to the
13 other person as follows: (i) Brother or sister, either of the
14 whole blood or the half blood; or (ii) Father or mother, when
15 the child, regardless of legitimacy and regardless of whether
16 the child was of the whole blood or half-blood or was
17 adopted, was 18 years of age or over when the act was
18 committed; or (iii) Stepfather or stepmother, when the
19 stepchild was 18 years of age or over when the act was
20 committed.

21 (b) Sentence. Sexual relations within families is a
22 Class 2 3 felony.

1 (Source: P.A. 84-1280.)

2 (720 ILCS 5/12-14) (from Ch. 38, par. 12-14)

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

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

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

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

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

20 (4) the criminal sexual assault was perpetrated
21 during the course of the commission or attempted
22 commission of any other felony by the accused; or

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

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

27 (7) the accused delivered (by injection,
28 inhalation, ingestion, transfer of possession, or any
29 other means) to the victim without his or her consent, or
30 by threat or deception, and for other than medical
31 purposes, any controlled substance; or

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

33 (9) the accused personally discharged a firearm

1 during the commission of the offense; or

2 (10) the accused, during the commission of the
3 offense, personally discharged a firearm that proximately
4 caused great bodily harm, permanent disability, permanent
5 disfigurement, or death to another person; or;

6 (11) the accused knew he or she was related to the
7 victim as defined in paragraph (2) of subsection (a) of
8 Section 11-11 of this Code.

9 (b) The accused commits aggravated criminal sexual
10 assault if the accused was under 17 years of age and (i)
11 commits an act of sexual penetration with a victim who was
12 under 9 years of age when the act was committed; or (ii)
13 commits an act of sexual penetration with a victim who was at
14 least 9 years of age but under 13 years of age when the act
15 was committed and the accused used force or threat of force
16 to commit the act.

17 (c) The accused commits aggravated criminal sexual
18 assault if he or she commits an act of sexual penetration
19 with a victim who was an institutionalized severely or
20 profoundly mentally retarded person at the time the act was
21 committed.

22 (d) Sentence.

23 (1) Aggravated criminal sexual assault in violation
24 of paragraph (1), (2), (3), (4), (5), (6), ~~or~~ (7), or
25 (11) of subsection (a) is a Class X felony. A violation
26 of subsection (a)(8) is a Class X felony for which 15
27 years shall be added to the term of imprisonment imposed
28 by the court. A violation of subsection (a)(9) is a Class
29 X felony for which 20 years shall be added to the term of
30 imprisonment imposed by the court. A violation of
31 subsection (a)(10) is a Class X felony for which 25 years
32 or up to a term of natural life imprisonment shall be
33 added to the term of imprisonment imposed by the court.

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

1 subsequent offense of aggravated criminal sexual assault,
2 or who is convicted of the offense of aggravated criminal
3 sexual assault after having previously been convicted of
4 the offense of criminal sexual assault or the offense of
5 predatory criminal sexual assault of a child, or who is
6 convicted of the offense of aggravated criminal sexual
7 assault after having previously been convicted under the
8 laws of this or any other state of an offense that is
9 substantially equivalent to the offense of criminal
10 sexual assault, the offense of aggravated criminal sexual
11 assault or the offense of predatory criminal sexual
12 assault of a child, shall be sentenced to a term of
13 natural life imprisonment. The commission of the second
14 or subsequent offense is required to have been after the
15 initial conviction for this paragraph (2) to apply.
16 (Source: P.A. 90-396, eff. 1-1-98; 90-735, eff. 8-11-98;
17 91-404, eff. 1-1-00.)".