

1 AN ACT in relation to 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
5 changing Section 12-14 and by adding Section 12-35 as
6 follows:

7 (720 ILCS 5/12-14) (from Ch. 38, par. 12-14)

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

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

15 (1) the accused displayed, threatened to use, or
16 used a dangerous weapon, other than a firearm, or any
17 object fashioned or utilized in such a manner as to lead
18 the victim under the circumstances reasonably to believe
19 it to be a dangerous weapon; or

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

22 (3) the accused acted in such a manner as to
23 threaten or endanger the life of the victim or any other
24 person; or

25 (4) the criminal sexual assault was perpetrated
26 during the course of the commission or attempted
27 commission of any other felony by the accused; or

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

30 (6) the victim was a physically handicapped person;
31 or

1 (7) the accused delivered (by injection,
2 inhalation, ingestion, transfer of possession, or any
3 other means) to the victim without his or her consent, or
4 by threat or deception, and for other than medical
5 purposes, any controlled substance; or

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

7 (9) the accused personally discharged a firearm
8 during the commission of the offense; or

9 (10) the accused, during the commission of the
10 offense, personally discharged a firearm that proximately
11 caused great bodily harm, permanent disability, permanent
12 disfigurement, or death to another person.

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

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

25 (d) Sentence.

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

1 felony for which 20 years shall be added to the term of
2 imprisonment imposed by the court. A violation of
3 subsection (a)(10) is a Class X felony for which 25 years
4 or up to a term of natural life imprisonment shall be
5 added to the term of imprisonment imposed by the court.

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

22 (Source: P.A. 91-404, eff. 1-1-00; 92-434, eff. 1-1-02;
23 92-502, eff. 12-19-01.)

24 (720 ILCS 5/12-35 new)

25 Sec. 12-35. Sexual conduct or sexual contact with an
26 animal.

27 (a) A person may not knowingly engage in any sexual
28 conduct or sexual contact with an animal.

29 (b) A person may not knowingly cause, aid, or abet
30 another person to engage in any sexual conduct or sexual
31 contact with an animal.

32 (c) A person may not knowingly permit any sexual conduct
33 or sexual contact with an animal to be conducted on any

1 premises under his or her charge or control.

2 (d) A person may not knowingly engage in, promote, aid,
3 or abet any activity involving any sexual conduct or sexual
4 contact with an animal for a commercial or recreational
5 purpose.

6 (e) Sentence. A person who violates this Section is
7 guilty of a Class 4 felony. A person who violates this
8 Section in the presence of a person under 18 years of age or
9 causes the animal serious physical injury or death is guilty
10 of a Class 3 felony.

11 (f) In addition to the penalty imposed in subsection
12 (e), the court may order that the defendant do any of the
13 following:

14 (1) Not harbor animals or reside in any household
15 where animals are present for a reasonable period of time
16 or permanently, if necessary.

17 (2) Relinquish and permanently forfeit all animals
18 residing in the household to a recognized or duly
19 organized animal shelter or humane society.

20 (3) Undergo a psychological evaluation and
21 counseling at defendant's expense.

22 (4) Reimburse the animal shelter or humane society
23 for any reasonable costs incurred for the care and
24 maintenance of the animal involved in the sexual conduct
25 or sexual contact in addition to any animals relinquished
26 to the animal shelter or humane society.

27 (g) Nothing in this Section shall be construed to
28 prohibit accepted animal husbandry practices or accepted
29 veterinary medical practices by a licensed veterinarian or
30 certified veterinary technician.

31 (h) If the court has reasonable grounds to believe that
32 a violation of this Section has occurred, the court may order
33 the seizure of all animals involved in the alleged violation
34 as a condition of bond of a person charged with a violation

1 of this Section.

2 (i) In this Section:

3 "Animal" means every creature, either alive or dead,
4 other than a human being.

5 "Sexual conduct" means any touching or fondling by a
6 person, either directly or through clothing, of the sex
7 organs or anus of an animal or any transfer or transmission
8 of semen by the person upon any part of the animal, for the
9 purpose of sexual gratification or arousal of the person.

10 "Sexual contact" means any contact, however slight,
11 between the sex organ or anus of a person and the sex organ,
12 mouth, or anus of an animal, or any intrusion, however
13 slight, of any part of the body of the person into the sex
14 organ or anus of an animal, for the purpose of sexual
15 gratification or arousal of the person. Evidence of emission
16 of semen is not required to prove sexual contact.