

1 AN ACT in relation to criminal offenses.

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 Sections 3-5 and 3-6 as follows:

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

7 Sec. 3-5. General Limitations.

8 (a) A prosecution for first degree murder, attempt to
9 commit first degree murder, second degree murder, involuntary
10 manslaughter, reckless homicide, concealment of homicidal
11 death, treason, arson, aggravated arson, ~~or forgery,~~ or any
12 offense involving sexual conduct or sexual penetration as
13 defined by Section 12-12 of this Code in which the DNA
14 profile of the offender is obtained, whether or not that DNA
15 profile identifies a named individual, may be commenced at
16 any time.

17 (b) Unless the statute describing the offense provides
18 otherwise, or the period of limitation is extended by Section
19 3-6, a prosecution for any offense not designated in
20 Subsection (a) must be commenced within 3 years after the
21 commission of the offense if it is a felony, or within one
22 year and 6 months after its commission if it is a
23 misdemeanor.

24 (Source: P.A. 91-801, eff. 6-13-00.)

25 (720 ILCS 5/3-6) (from Ch. 38, par. 3-6)

26 Sec. 3-6. Extended limitations. The period within which
27 a prosecution must be commenced under the provisions of
28 Section 3-5 or other applicable statute is extended under the
29 following conditions:

30 (a) A prosecution for theft involving a breach of a

1 fiduciary obligation to the aggrieved person may be commenced
2 as follows:

3 (1) If the aggrieved person is a minor or a person
4 under legal disability, then during the minority or legal
5 disability or within one year after the termination
6 thereof.

7 (2) In any other instance, within one year after
8 the discovery of the offense by an aggrieved person, or
9 by a person who has legal capacity to represent an
10 aggrieved person or has a legal duty to report the
11 offense, and is not himself or herself a party to the
12 offense; or in the absence of such discovery, within one
13 year after the proper prosecuting officer becomes aware
14 of the offense. However, in no such case is the period of
15 limitation so extended more than 3 years beyond the
16 expiration of the period otherwise applicable.

17 (b) A prosecution for any offense based upon misconduct
18 in office by a public officer or employee may be commenced
19 within one year after discovery of the offense by a person
20 having a legal duty to report such offense, or in the absence
21 of such discovery, within one year after the proper
22 prosecuting officer becomes aware of the offense. However, in
23 no such case is the period of limitation so extended more
24 than 3 years beyond the expiration of the period otherwise
25 applicable.

26 (c) Except as otherwise provided in subsection (a) of
27 Section 3-5 of this Code and subdivision (i) of this Section,
28 a prosecution for any offense involving sexual conduct or
29 sexual penetration, as defined in Section 12-12 of this Code,
30 where the victim and defendant are family members, as defined
31 in Section 12-12 of this Code, may be commenced within one
32 year of the victim attaining the age of 18 years.

33 (d) A prosecution for child pornography, indecent
34 solicitation of a child, soliciting for a juvenile

1 prostitute, juvenile pimping or exploitation of a child may
2 be commenced within one year of the victim attaining the age
3 of 18 years. However, in no such case shall the time period
4 for prosecution expire sooner than 3 years after the
5 commission of the offense. When the victim is under 18 years
6 of age, a prosecution for criminal sexual abuse may be
7 commenced within one year of the victim attaining the age of
8 18 years. However, in no such case shall the time period for
9 prosecution expire sooner than 3 years after the commission
10 of the offense.

11 (e) A prosecution for any offense involving sexual
12 conduct or sexual penetration, as defined in Section 12-12 of
13 this Code, where the defendant was within a professional or
14 fiduciary relationship or a purported professional or
15 fiduciary relationship with the victim at the time of the
16 commission of the offense may be commenced within one year
17 after the discovery of the offense by the victim.

18 (f) A prosecution for any offense set forth in Section
19 44 of the "Environmental Protection Act", approved June 29,
20 1970, as amended, may be commenced within 5 years after the
21 discovery of such an offense by a person or agency having the
22 legal duty to report the offense or in the absence of such
23 discovery, within 5 years after the proper prosecuting
24 officer becomes aware of the offense.

25 (g) (Blank).

26 (h) (Blank).

27 (i) A prosecution for criminal sexual assault,
28 aggravated criminal sexual assault, or aggravated criminal
29 sexual abuse may be commenced within 10 years of the
30 commission of the offense if the victim reported the offense
31 to law enforcement authorities within 2 years after the
32 commission of the offense.

33 When the victim is under 18 years of age at the time of
34 the offense and the offender is a family member as defined in

1 Section 12-12, a prosecution for criminal sexual assault,
2 aggravated criminal sexual assault, predatory criminal sexual
3 assault of a child, or aggravated criminal sexual abuse may
4 be commenced within 10 years of the victim attaining the age
5 of 18 years.

6 When the victim is under 18 years of age at the time of
7 the offense and the offender is not a family member as
8 defined in Section 12-12, a prosecution for criminal sexual
9 assault, aggravated criminal sexual assault, predatory
10 criminal sexual assault of a child, or aggravated criminal
11 sexual abuse may be commenced within 10 years of the victim
12 attaining the age of 18 years, if the victim reported the
13 offense to law enforcement authorities before he or she
14 attained the age of 21 years. Nothing in this subdivision (i)
15 shall be construed to shorten a period within which a
16 prosecution must be commenced under any other provision of
17 this Section.

18 (Source: P.A. 91-475, eff. 1-1-00; 91-801, eff. 6-13-00.)

19 Section 99. Effective date. This Act takes effect upon
20 becoming law.