

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: (1) first degree murder, attempt
9 to commit first degree murder, second degree murder,
10 involuntary manslaughter, reckless homicide, concealment of
11 homicidal death, treason, arson, aggravated arson, or
12 forgery, or (2) any offense involving sexual conduct or
13 sexual penetration as defined by Section 12-12 of this Code
14 in which the DNA profile of the offender is obtained and
15 entered into a DNA database within 10 years after the
16 commission of the offense and the identity of the offender is
17 unknown after a diligent investigation by law enforcement
18 authorities, may be commenced at any time. Clause (2) of this
19 subsection (a) applies only if the victim reported the
20 offense to law enforcement authorities within 2 years after
21 the commission of the offense unless a longer period for
22 reporting the offense to law enforcement authorities is
23 provided in Section 3-6.

24 (b) Unless the statute describing the offense provides
25 otherwise, or the period of limitation is extended by Section
26 3-6, a prosecution for any offense not designated in
27 Subsection (a) must be commenced within 3 years after the
28 commission of the offense if it is a felony, or within one
29 year and 6 months after its commission if it is a
30 misdemeanor.

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

1 (720 ILCS 5/3-6) (from Ch. 38, par. 3-6)

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

6 (a) A prosecution for theft involving a breach of a
7 fiduciary obligation to the aggrieved person may be commenced
8 as follows:

9 (1) If the aggrieved person is a minor or a person
10 under legal disability, then during the minority or legal
11 disability or within one year after the termination
12 thereof.

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

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

32 (c) Except as otherwise provided in subsection (a) of
33 Section 3-5 of this Code and subdivision (i) of this Section,
34 a prosecution for any offense involving sexual conduct or

1 sexual penetration, as defined in Section 12-12 of this Code,
2 where the victim and defendant are family members, as defined
3 in Section 12-12 of this Code, may be commenced within one
4 year of the victim attaining the age of 18 years.

5 (d) A prosecution for child pornography, indecent
6 solicitation of a child, soliciting for a juvenile
7 prostitute, juvenile pimping or exploitation of a child may
8 be commenced within one year of the victim attaining the age
9 of 18 years. However, in no such case shall the time period
10 for prosecution expire sooner than 3 years after the
11 commission of the offense. When the victim is under 18 years
12 of age, a prosecution for criminal sexual abuse may be
13 commenced within one year of the victim attaining the age of
14 18 years. However, in no such case shall the time period for
15 prosecution expire sooner than 3 years after the commission
16 of the offense.

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

24 (f) A prosecution for any offense set forth in Section
25 44 of the "Environmental Protection Act", approved June 29,
26 1970, as amended, may be commenced within 5 years after the
27 discovery of such an offense by a person or agency having the
28 legal duty to report the offense or in the absence of such
29 discovery, within 5 years after the proper prosecuting
30 officer becomes aware of the offense.

31 (g) (Blank).

32 (h) (Blank).

33 (i) A prosecution for criminal sexual assault,
34 aggravated criminal sexual assault, or aggravated criminal

1 sexual abuse may be commenced within 10 years of the
2 commission of the offense if the victim reported the offense
3 to law enforcement authorities within 2 years after the
4 commission of the offense.

5 When the victim is under 18 years of age at the time of
6 the offense and the offender is a family member as defined in
7 Section 12-12, a prosecution for criminal sexual assault,
8 aggravated criminal sexual assault, predatory criminal sexual
9 assault of a child, or aggravated criminal sexual abuse may
10 be commenced within 10 years of the victim attaining the age
11 of 18 years.

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

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

25 Section 99. Effective date. This Act takes effect upon
26 becoming law.