



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB5279

by Rep. Monica Bristow

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/3-5  
720 ILCS 5/3-6

from Ch. 38, par. 3-5  
from Ch. 38, par. 3-6

Amends the Criminal Code of 2012. Provides that when the victim is under 18 years of age at the time of the offense, a prosecution for criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, aggravated criminal sexual abuse, or felony criminal sexual abuse may be commenced at any time regardless as to whether corroborating physical evidence is available or an individual who is required to report an alleged or suspected commission of any of these offenses under the Abused and Neglected Child Reporting Act fails to do so. Makes conforming changes.

LRB100 16707 RLC 31845 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 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 may be commenced at any time for:

9 (1) first degree murder, attempt to commit first degree  
10 murder, second degree murder, involuntary manslaughter,  
11 reckless homicide, ~~or~~ a violation of subparagraph (F) of  
12 paragraph (1) of subsection (d) of Section 11-501 of the  
13 Illinois Vehicle Code for the offense of aggravated driving  
14 under the influence of alcohol, other drug or drugs, or  
15 intoxicating compound or compounds, or any combination  
16 thereof when the violation was a proximate cause of a  
17 death, leaving the scene of a motor vehicle accident  
18 involving death or personal injuries under Section 11-401  
19 of the Illinois Vehicle Code, failing to give information  
20 and render aid under Section 11-403 of the Illinois Vehicle  
21 Code, concealment of homicidal death, treason, arson,  
22 residential arson, aggravated arson, forgery, child  
23 pornography under paragraph (1) of subsection (a) of

1 Section 11-20.1, or aggravated child pornography under  
2 paragraph (1) of subsection (a) of Section 11-20.1B; ~~or~~

3 (1.5) any of the following offenses under this Code,  
4 when the victim is under 18 years of age at the time of the  
5 offense:

6 (i) criminal sexual assault under Section 11-1.20;

7 (ii) aggravated criminal sexual assault under  
8 Section 11-1.30;

9 (iii) predatory criminal sexual assault of a child  
10 under Section 11-1.40;

11 (iv) criminal sexual abuse under subsection (a) of  
12 Section 11-1.50; or

13 (v) aggravated criminal sexual abuse under Section  
14 11-1.60; or

15 (2) any offense involving sexual conduct or sexual  
16 penetration, as defined by Section 11-0.1 of this Code in  
17 which the DNA profile of the offender is obtained and  
18 entered into a DNA database within 10 years after the  
19 commission of the offense, and ~~may be commenced at any~~  
20 ~~time. Clause (2) of this subsection (a) applies if~~ either:

21 (i) the victim reported the offense to law enforcement  
22 authorities within 3 years after the commission of the  
23 offense unless a longer period for reporting the offense to  
24 law enforcement authorities is provided in Section 3-6 or  
25 (ii) the victim is murdered during the course of the  
26 offense or within 2 years after the commission of the

1 offense.

2 (a-5) A prosecution for theft of property exceeding  
3 \$100,000 in value under Section 16-1, identity theft under  
4 subsection (a) of Section 16-30, aggravated identity theft  
5 under subsection (b) of Section 16-30, financial exploitation  
6 of an elderly person or a person with a disability under  
7 Section 17-56; or any offense set forth in Article 16H or  
8 Section 17-10.6 may be commenced within 7 years of the last act  
9 committed in furtherance of the crime.

10 (b) Unless the statute describing the offense provides  
11 otherwise, or the period of limitation is extended by Section  
12 3-6, a prosecution for any offense not designated in subsection  
13 (a) or (a-5) must be commenced within 3 years after the  
14 commission of the offense if it is a felony, or within one year  
15 and 6 months after its commission if it is a misdemeanor.

16 (Source: P.A. 99-820, eff. 8-15-16; 100-149, eff. 1-1-18;  
17 revised 10-5-17.)

18 (720 ILCS 5/3-6) (from Ch. 38, par. 3-6)

19 Sec. 3-6. Extended limitations. The period within which a  
20 prosecution must be commenced under the provisions of Section  
21 3-5 or other applicable statute is extended under the following  
22 conditions:

23 (a) A prosecution for theft involving a breach of a  
24 fiduciary obligation to the aggrieved person may be commenced  
25 as follows:

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

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

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

23          (b-5) When the victim is under 18 years of age at the time  
24          of the offense, a prosecution for involuntary servitude,  
25          involuntary sexual servitude of a minor, or trafficking in  
26          persons and related offenses under Section 10-9 of this Code

1 may be commenced within 25 years of the victim attaining the  
2 age of 18 years.

3 (c) (Blank).

4 (d) A prosecution for child pornography, aggravated child  
5 pornography, indecent solicitation of a child, soliciting for a  
6 juvenile prostitute, juvenile pimping, exploitation of a  
7 child, or promoting juvenile prostitution except for keeping a  
8 place of juvenile prostitution may be commenced within one year  
9 of the victim attaining the age of 18 years. However, in no  
10 such case shall the time period for prosecution expire sooner  
11 than 3 years after the commission of the offense.

12 (e) Except as otherwise provided in subdivision (j), a  
13 prosecution for any offense involving sexual conduct or sexual  
14 penetration, as defined in Section 11-0.1 of this Code, where  
15 the defendant was within a professional or fiduciary  
16 relationship or a purported professional or fiduciary  
17 relationship with the victim at the time of the commission of  
18 the offense may be commenced within one year after the  
19 discovery of the offense by the victim.

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

1 (f-5) A prosecution for any offense set forth in Section  
2 16-30 of this Code may be commenced within 5 years after the  
3 discovery of the offense by the victim of that offense.

4 (g) (Blank).

5 (h) (Blank).

6 (i) Except as otherwise provided in subdivision (j), a  
7 prosecution for criminal sexual assault, aggravated criminal  
8 sexual assault, or aggravated criminal sexual abuse may be  
9 commenced within 10 years of the commission of the offense if  
10 the victim reported the offense to law enforcement authorities  
11 within 3 years after the commission of the offense.

12 Nothing in this subdivision (i) shall be construed to  
13 shorten a period within which a prosecution must be commenced  
14 under any other provision of this Section.

15 (i-5) A prosecution for armed robbery, home invasion,  
16 kidnapping, or aggravated kidnaping may be commenced within 10  
17 years of the commission of the offense if it arises out of the  
18 same course of conduct and meets the criteria under one of the  
19 offenses in subsection (i) of this Section.

20 (j) (1) (Blank). ~~When the victim is under 18 years of age~~  
21 ~~at the time of the offense, a prosecution for criminal sexual~~  
22 ~~assault, aggravated criminal sexual assault, predatory~~  
23 ~~criminal sexual assault of a child, aggravated criminal sexual~~  
24 ~~abuse, or felony criminal sexual abuse may be commenced at any~~  
25 ~~time.~~

26 (2) When the victim is under 18 years of age at the time of

1 the offense, a prosecution for failure of a person who is  
2 required to report an alleged or suspected commission of  
3 criminal sexual assault, aggravated criminal sexual assault,  
4 predatory criminal sexual assault of a child, aggravated  
5 criminal sexual abuse, or felony criminal sexual abuse under  
6 the Abused and Neglected Child Reporting Act may be commenced  
7 within 20 years after the child victim attains 18 years of age.

8 (3) When the victim is under 18 years of age at the time of  
9 the offense, a prosecution for misdemeanor criminal sexual  
10 abuse may be commenced within 10 years after the child victim  
11 attains 18 years of age.

12 (4) Nothing in this subdivision (j) shall be construed to  
13 shorten a period within which a prosecution must be commenced  
14 under any other provision of this Section.

15 (j-5) A prosecution for armed robbery, home invasion,  
16 kidnapping, or aggravated kidnaping may be commenced at any  
17 time if it arises out of the same course of conduct and meets  
18 the criteria under one of the offenses in subsection (j) of  
19 this Section.

20 (k) (Blank).

21 (l) A prosecution for any offense set forth in Section 26-4  
22 of this Code may be commenced within one year after the  
23 discovery of the offense by the victim of that offense.

24 (m) The prosecution shall not be required to prove at trial  
25 facts which extend the general limitations in Section 3-5 of  
26 this Code when the facts supporting extension of the period of



1 general limitations are properly pled in the charging document.  
2 Any challenge relating to the extension of the general  
3 limitations period as defined in this Section shall be  
4 exclusively conducted under Section 114-1 of the Code of  
5 Criminal Procedure of 1963.

6 (Source: P.A. 99-234, eff. 8-3-15; 99-820, eff. 8-15-16;  
7 100-80, eff. 8-11-17; 100-318, eff. 8-24-17; 100-434, eff.  
8 1-1-18; revised 10-5-17.)