

SB1715



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB1715

Introduced 2/9/2017, by Sen. James F. Clayborne, Jr.

SYNOPSIS AS INTRODUCED:

720 ILCS 5/3-6

from Ch. 38, par. 3-6

Amends the Criminal Code of 2012. Provides that a prosecution for any offense based upon misconduct in office by a public officer or employee may be commenced within 2 years (rather than one year) after discovery of the offense by a person having a legal duty to report the offense, or in the absence of the discovery, within 2 years (rather than one year) after the proper prosecuting officer becomes aware of the offense. Provides that in no such case is the period of limitation so extended more than 4 (rather than 3) years beyond the expiration of the period otherwise applicable. Effective immediately.

LRB100 09942 RLC 20113 b

A BILL FOR

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 Section 3-6 as follows:

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

7 Sec. 3-6. Extended limitations. The period within which a
8 prosecution must be commenced under the provisions of Section
9 3-5 or other applicable statute is extended under the following
10 conditions:

11 (a) A prosecution for theft involving a breach of a
12 fiduciary obligation to the aggrieved person may be commenced
13 as follows:

14 (1) If the aggrieved person is a minor or a person
15 under legal disability, then during the minority or legal
16 disability or within one year after the termination
17 thereof.

18 (2) In any other instance, within one year after the
19 discovery of the offense by an aggrieved person, or by a
20 person who has legal capacity to represent an aggrieved
21 person or has a legal duty to report the offense, and is
22 not himself or herself a party to the offense; or in the
23 absence of such discovery, within one year after the proper

1 prosecuting officer becomes aware of the offense. However,
2 in no such case is the period of limitation so extended
3 more than 3 years beyond the expiration of the period
4 otherwise applicable.

5 (b) A prosecution for any offense based upon misconduct in
6 office by a public officer or employee may be commenced within
7 2 years ~~one year~~ after discovery of the offense by a person
8 having a legal duty to report the ~~such~~ offense, or in the
9 absence of the ~~such~~ discovery, within 2 years ~~one year~~ after
10 the proper prosecuting officer becomes aware of the offense.
11 However, in no such case is the period of limitation so
12 extended more than 4 ~~3~~ years beyond the expiration of the
13 period otherwise applicable.

14 (b-5) When the victim is under 18 years of age at the time
15 of the offense, a prosecution for involuntary servitude,
16 involuntary sexual servitude of a minor, or trafficking in
17 persons and related offenses under Section 10-9 of this Code
18 may be commenced within one year of the victim attaining the
19 age of 18 years. However, in no such case shall the time period
20 for prosecution expire sooner than 3 years after the commission
21 of the offense.

22 (c) (Blank).

23 (d) A prosecution for child pornography, aggravated child
24 pornography, indecent solicitation of a child, soliciting for a
25 juvenile prostitute, juvenile pimping, exploitation of a
26 child, or promoting juvenile prostitution except for keeping a

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

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

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

25 (f-5) A prosecution for any offense set forth in Section
26 16-30 of this Code may be commenced within 5 years after the

1 discovery of the offense by the victim of that offense.

2 (g) (Blank).

3 (h) (Blank).

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

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

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

18 (j) (1) When the victim is under 18 years of age at the
19 time of the offense, a prosecution for criminal sexual assault,
20 aggravated criminal sexual assault, predatory criminal sexual
21 assault of a child, aggravated criminal sexual abuse, or felony
22 criminal sexual abuse may be commenced at any time when
23 corroborating physical evidence is available or an individual
24 who is required to report an alleged or suspected commission of
25 any of these offenses under the Abused and Neglected Child
26 Reporting Act fails to do so.

1 (2) In circumstances other than as described in paragraph
2 (1) of this subsection (j), when the victim is under 18 years
3 of age at the time of the offense, a prosecution for criminal
4 sexual assault, aggravated criminal sexual assault, predatory
5 criminal sexual assault of a child, aggravated criminal sexual
6 abuse, or felony criminal sexual abuse, or a prosecution for
7 failure of a person who is required to report an alleged or
8 suspected commission of any of these offenses under the Abused
9 and Neglected Child Reporting Act may be commenced within 20
10 years after the child victim attains 18 years of age.

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

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

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

23 (k) (Blank).

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

1 (Source: P.A. 98-293, eff. 1-1-14; 98-379, eff. 1-1-14; 98-756,
2 eff. 7-16-14; 99-234, eff. 8-3-15; 99-820, eff. 8-15-16.)

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.