



Sen. James F. Clayborne, Jr.

Filed: 4/25/2017

10000SB1715sam002

LRB100 09942 RLC 24764 a

1 AMENDMENT TO SENATE BILL 1715

2 AMENDMENT NO. _____. Amend Senate Bill 1715 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 2012 is amended by
5 changing 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

1 thereof.

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

12 (b) Except as otherwise provided in subsection (b-1) of
13 this Section, a ~~A~~ prosecution for any offense based upon
14 misconduct in office by a public officer or employee may be
15 commenced within one year after discovery of the offense by a
16 person having a legal duty to report such offense, or in the
17 absence of such discovery, within one year after the proper
18 prosecuting officer becomes aware of the offense. However, in
19 no such case is the period of limitation so extended more than
20 3 years beyond the expiration of the period otherwise
21 applicable.

22 (b-1) A prosecution for any offense based upon an act or
23 omission of a person that the victim or any person legally
24 standing in the place of the victim can show was a contributing
25 factor to the filing of a criminal charge, conviction, or
26 incarceration of the victim may be commenced within 5 years of

1 the offense, or in the absence of the discovery, within 5 years
2 after the proper prosecuting officer becomes aware of the
3 offense. However, in no such case is the period of limitation
4 so extended more than 4 years beyond the expiration of the
5 period otherwise applicable. In the event that such an offense
6 is otherwise subject to a statutory period longer than that
7 described in this Section, then the application of this Section
8 shall not be construed to interfere with the longer period.

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

17 (c) (Blank).

18 (d) A prosecution for child pornography, aggravated child
19 pornography, indecent solicitation of a child, soliciting for a
20 juvenile prostitute, juvenile pimping, exploitation of a
21 child, or promoting juvenile prostitution except for keeping a
22 place of juvenile prostitution may be commenced within one year
23 of the victim attaining the age of 18 years. However, in no
24 such case shall the time period for prosecution expire sooner
25 than 3 years after the commission of the offense. When the
26 victim is under 18 years of age, a prosecution for criminal

1 sexual abuse may be commenced within one year of the victim
2 attaining the age of 18 years. However, in no such case shall
3 the time period for prosecution expire sooner than 3 years
4 after the commission of the offense.

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

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

20 (f-5) A prosecution for any offense set forth in Section
21 16-30 of this Code may be commenced within 5 years after the
22 discovery of the offense by the victim of that offense.

23 (g) (Blank).

24 (h) (Blank).

25 (i) Except as otherwise provided in subdivision (j), a
26 prosecution for criminal sexual assault, aggravated criminal

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

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

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

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

22 (2) In circumstances other than as described in paragraph
23 (1) of this subsection (j), when the victim is under 18 years
24 of age at the time of the offense, a prosecution for criminal
25 sexual assault, aggravated criminal sexual assault, predatory
26 criminal sexual assault of a child, aggravated criminal sexual

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

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

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

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

18 (k) (Blank).

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

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

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