



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB3750

Introduced 2/25/2009, by Rep. Jehan A. Gordon

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-4.3  
720 ILCS 5/12-14.1

from Ch. 38, par. 12-4.3

Amends the Criminal Code of 1961. Provides that aggravated battery of a child is a Class X felony for which the person shall be sentenced to a term of imprisonment of not less than 30 years and not more than 60 years. Provides that a person convicted of a second or subsequent violation of the offense of aggravated battery of a child shall be sentenced to a term of natural life imprisonment. Provides that a person convicted of predatory criminal sexual assault of a child shall be sentenced to a term of natural life imprisonment.

LRB096 05610 RLC 15676 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

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 1961 is amended by changing  
5 Sections 12-4.3 and 12-14.1 as follows:

6 (720 ILCS 5/12-4.3) (from Ch. 38, par. 12-4.3)

7 Sec. 12-4.3. Aggravated battery of a child.

8 (a) Any person of the age 18 years and upwards who  
9 intentionally or knowingly, and without legal justification  
10 and by any means, causes great bodily harm or permanent  
11 disability or disfigurement to any child under the age of 13  
12 years or to any severely or profoundly mentally retarded  
13 person, commits the offense of aggravated battery of a child.

14 (a-5) Any person of the age 18 years and upwards who  
15 intentionally or knowingly, and without legal justification  
16 and by any means, causes bodily harm or disability or  
17 disfigurement to any child under the age of 13 years or to any  
18 severely or profoundly mentally retarded person, commits the  
19 offense of aggravated battery of a child.

20 (b) Sentence.

21 (1) Aggravated battery of a child ~~under subsection (a) of~~  
22 ~~this Section~~ is a Class X felony for which the person shall be  
23 sentenced to a term of imprisonment of not less than 30 years

1 and not more than 60 years, except that:

2 (A) if the person committed the offense while armed  
3 with a firearm, 15 years shall be added to the term of  
4 imprisonment imposed by the court;

5 (B) if, during the commission of the offense, the  
6 person personally discharged a firearm, 20 years shall be  
7 added to the term of imprisonment imposed by the court;

8 (C) if, during the commission of the offense, the  
9 person personally discharged a firearm that proximately  
10 caused great bodily harm, permanent disability, permanent  
11 disfigurement, or death to another person, 25 years or up  
12 to a term of natural life shall be added to the term of  
13 imprisonment imposed by the court.

14 (2) (Blank). ~~Aggravated battery of a child under subsection~~  
15 ~~(a-5) of this Section is a Class 3 felony.~~

16 (3) A person convicted of a second or subsequent violation  
17 of this Section shall be sentenced to a term of natural life  
18 imprisonment.

19 (Source: P.A. 95-768, eff. 1-1-09.)

20 (720 ILCS 5/12-14.1)

21 Sec. 12-14.1. Predatory criminal sexual assault of a child.

22 (a) The accused commits predatory criminal sexual assault  
23 of a child if:

24 (1) the accused was 17 years of age or over and commits  
25 an act of sexual penetration with a victim who was under 13

1 years of age when the act was committed; or

2 (1.1) the accused was 17 years of age or over and,  
3 while armed with a firearm, commits an act of sexual  
4 penetration with a victim who was under 13 years of age  
5 when the act was committed; or

6 (1.2) the accused was 17 years of age or over and  
7 commits an act of sexual penetration with a victim who was  
8 under 13 years of age when the act was committed and,  
9 during the commission of the offense, the accused  
10 personally discharged a firearm; or

11 (2) the accused was 17 years of age or over and commits  
12 an act of sexual penetration with a victim who was under 13  
13 years of age when the act was committed and the accused  
14 caused great bodily harm to the victim that:

15 (A) resulted in permanent disability; or

16 (B) was life threatening; or

17 (3) the accused was 17 years of age or over and commits  
18 an act of sexual penetration with a victim who was under 13  
19 years of age when the act was committed and the accused  
20 delivered (by injection, inhalation, ingestion, transfer  
21 of possession, or any other means) to the victim without  
22 his or her consent, or by threat or deception, and for  
23 other than medical purposes, any controlled substance.

24 (b) Sentence. A person convicted of predatory criminal  
25 sexual assault of a child shall be sentenced to a term of  
26 natural life imprisonment.

1           (1) (Blank) ~~A person convicted of a violation of~~  
2 ~~subsection (a)(1) commits a Class X felony, for which the~~  
3 ~~person shall be sentenced to a term of imprisonment of not~~  
4 ~~less than 6 years and not more than 60 years. A person~~  
5 ~~convicted of a violation of subsection (a)(1.1) commits a~~  
6 ~~Class X felony for which 15 years shall be added to the~~  
7 ~~term of imprisonment imposed by the court. A person~~  
8 ~~convicted of a violation of subsection (a)(1.2) commits a~~  
9 ~~Class X felony for which 20 years shall be added to the~~  
10 ~~term of imprisonment imposed by the court. A person~~  
11 ~~convicted of a violation of subsection (a)(2) commits a~~  
12 ~~Class X felony for which the person shall be sentenced to a~~  
13 ~~term of imprisonment of not less than 50 years or up to a~~  
14 ~~term of natural life imprisonment.~~

15           (1.1) (Blank) ~~A person convicted of a violation of~~  
16 ~~subsection (a)(3) commits a Class X felony for which the~~  
17 ~~person shall be sentenced to a term of imprisonment of not~~  
18 ~~less than 50 years and not more than 60 years.~~

19           (1.2) (Blank) ~~A person convicted of predatory criminal~~  
20 ~~sexual assault of a child committed against 2 or more~~  
21 ~~persons regardless of whether the offenses occurred as the~~  
22 ~~result of the same act or of several related or unrelated~~  
23 ~~acts shall be sentenced to a term of natural life~~  
24 ~~imprisonment.~~

25           (2) (Blank) ~~A person who is convicted of a second or~~  
26 ~~subsequent offense of predatory criminal sexual assault of~~

1 ~~a child, or who is convicted of the offense of predatory~~  
2 ~~criminal sexual assault of a child after having previously~~  
3 ~~been convicted of the offense of criminal sexual assault or~~  
4 ~~the offense of aggravated criminal sexual assault, or who~~  
5 ~~is convicted of the offense of predatory criminal sexual~~  
6 ~~assault of a child after having previously been convicted~~  
7 ~~under the laws of this State or any other state of an~~  
8 ~~offense that is substantially equivalent to the offense of~~  
9 ~~predatory criminal sexual assault of a child, the offense~~  
10 ~~of aggravated criminal sexual assault or the offense of~~  
11 ~~criminal sexual assault, shall be sentenced to a term of~~  
12 ~~natural life imprisonment. The commission of the second or~~  
13 ~~subsequent offense is required to have been after the~~  
14 ~~initial conviction for this paragraph (2) to apply.~~

15 (Source: P.A. 95-640, eff. 6-1-08.)