



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

HB4516

by Rep. Emily McAsey

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/11-1.40

was 720 ILCS 5/12-14.1

Amends the Criminal Code of 2012 concerning predatory criminal sexual assault of a child. Provides that in order for the offense to be committed by the act of contact between the sex organ or anus of one person and the part of the body of another, the contact must be for the purpose of sexual gratification or arousal of the victim or the accused.

LRB098 15813 RLC 50851 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 Section 11-1.40 as follows:

6 (720 ILCS 5/11-1.40) (was 720 ILCS 5/12-14.1)

7 Sec. 11-1.40. Predatory criminal sexual assault of a child.

8 (a) A person commits predatory criminal sexual assault of a  
9 child if that person commits an act of sexual penetration or an  
10 act of contact, however slight, between the sex organ or anus  
11 of one person and the part of the body of another for the  
12 purpose of sexual gratification or arousal of the victim or the  
13 accused, and the accused is 17 years of age or older, and:

14 (1) the victim is under 13 years of age; or

15 (2) the victim is under 13 years of age and that  
16 person:

17 (A) is armed with a firearm;

18 (B) personally discharges a firearm during the  
19 commission of the offense;

20 (C) causes great bodily harm to the victim that:

21 (i) results in permanent disability; or

22 (ii) is life threatening; or

23 (D) delivers (by injection, inhalation, ingestion,

1 transfer of possession, or any other means) any  
2 controlled substance to the victim without the  
3 victim's consent or by threat or deception, for other  
4 than medical purposes.

5 (b) Sentence.

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

20 (1.1) A person convicted of a violation of subsection  
21 (a) (2) (D) commits a Class X felony for which the person  
22 shall be sentenced to a term of imprisonment of not less  
23 than 50 years and not more than 60 years.

24 (1.2) A person convicted of predatory criminal sexual  
25 assault of a child committed against 2 or more persons  
26 regardless of whether the offenses occurred as the result

1 of the same act or of several related or unrelated acts  
2 shall be sentenced to a term of natural life imprisonment.

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

19 (Source: P.A. 98-370, eff. 1-1-14; revised 11-12-13.)