

1 AN ACT in relation to criminal offenses.

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  
5 changing 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 for: (1) first degree murder, attempt  
9 to commit first degree murder, second degree murder,  
10 involuntary manslaughter, reckless homicide, concealment of  
11 homicidal death, treason, arson, aggravated arson, or  
12 forgery, or (2) any offense involving sexual conduct or  
13 sexual penetration as defined by Section 12-12 of this Code  
14 in which the DNA profile of the offender is obtained, whether  
15 or not that DNA profile identifies a named individual, may be  
16 commenced at any time. Clause (2) of this subsection (a)  
17 applies only if the victim reported the offense to law  
18 enforcement authorities within 2 years after the commission  
19 of the offense unless a longer period for reporting the  
20 offense to law enforcement authorities is provided in Section  
21 3-6.

22 (b) Unless the statute describing the offense provides  
23 otherwise, or the period of limitation is extended by Section  
24 3-6, a prosecution for any offense not designated in  
25 Subsection (a) must be commenced within 3 years after the  
26 commission of the offense if it is a felony, or within one  
27 year and 6 months after its commission if it is a  
28 misdemeanor.

29 (Source: P.A. 91-801, eff. 6-13-00.)

30 (720 ILCS 5/3-6) (from Ch. 38, par. 3-6)

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

5           (a) A prosecution for theft involving a breach of a  
6 fiduciary obligation to the aggrieved person may be commenced  
7 as follows:

8           (1) If the aggrieved person is a minor or a person  
9 under legal disability, then during the minority or legal  
10 disability or within one year after the termination  
11 thereof.

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

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

31           (c) Except as otherwise provided in subsection (a) of  
32 Section 3-5 of this Code and subdivision (i) of this Section,  
33 a prosecution for any offense involving sexual conduct or  
34 sexual penetration, as defined in Section 12-12 of this Code,

1 where the victim and defendant are family members, as defined  
2 in Section 12-12 of this Code, may be commenced within one  
3 year of the victim attaining the age of 18 years.

4 (d) A prosecution for child pornography, indecent  
5 solicitation of a child, soliciting for a juvenile  
6 prostitute, juvenile pimping or exploitation of a child may  
7 be commenced within one year of the victim attaining the age  
8 of 18 years. However, in no such case shall the time period  
9 for prosecution expire sooner than 3 years after the  
10 commission of the offense. When the victim is under 18 years  
11 of age, a prosecution for criminal sexual abuse may be  
12 commenced within one year of the victim attaining the age of  
13 18 years. However, in no such case shall the time period for  
14 prosecution expire sooner than 3 years after the commission  
15 of the offense.

16 (e) A prosecution for any offense involving sexual  
17 conduct or sexual penetration, as defined in Section 12-12 of  
18 this Code, where the defendant was within a professional or  
19 fiduciary relationship or a purported professional or  
20 fiduciary relationship with the victim at the time of the  
21 commission of the offense may be commenced within one year  
22 after the discovery of the offense by the victim.

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

30 (g) (Blank).

31 (h) (Blank).

32 (i) A prosecution for criminal sexual assault,  
33 aggravated criminal sexual assault, or aggravated criminal  
34 sexual abuse may be commenced within 10 years of the

1 commission of the offense if the victim reported the offense  
2 to law enforcement authorities within 2 years after the  
3 commission of the offense.

4 When the victim is under 18 years of age at the time of  
5 the offense and the offender is a family member as defined in  
6 Section 12-12, a prosecution for criminal sexual assault,  
7 aggravated criminal sexual assault, predatory criminal sexual  
8 assault of a child, or aggravated criminal sexual abuse may  
9 be commenced within 10 years of the victim attaining the age  
10 of 18 years.

11 When the victim is under 18 years of age at the time of  
12 the offense and the offender is not a family member as  
13 defined in Section 12-12, a prosecution for criminal sexual  
14 assault, aggravated criminal sexual assault, predatory  
15 criminal sexual assault of a child, or aggravated criminal  
16 sexual abuse may be commenced within 10 years of the victim  
17 attaining the age of 18 years, if the victim reported the  
18 offense to law enforcement authorities before he or she  
19 attained the age of 21 years. Nothing in this subdivision (i)  
20 shall be construed to shorten a period within which a  
21 prosecution must be commenced under any other provision of  
22 this Section.

23 (Source: P.A. 91-475, eff. 1-1-00; 91-801, eff. 6-13-00.)

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