

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 Preventing Sexual Violence in Higher
5 Education Act is amended by changing Section 10 as follows:

6 (110 ILCS 155/10)

7 Sec. 10. Comprehensive policy. On or before August 1, 2016,
8 all higher education institutions shall adopt a comprehensive
9 policy concerning sexual violence, domestic violence, dating
10 violence, and stalking consistent with governing federal and
11 State law. The higher education institution's comprehensive
12 policy shall include, at a minimum, all of the following
13 components:

14 (1) A definition of consent that, at a minimum,
15 recognizes that (i) consent is a freely given agreement to
16 sexual activity, (ii) a person's lack of verbal or physical
17 resistance or submission resulting from the use or threat
18 of force does not constitute consent, (iii) a person's
19 manner of dress does not constitute consent, (iv) a
20 person's consent to past sexual activity does not
21 constitute consent to future sexual activity, (v) a
22 person's consent to engage in sexual activity with one
23 person does not constitute consent to engage in sexual

1 activity with another, (vi) a person can withdraw consent
2 at any time, and (vii) a person cannot consent to sexual
3 activity if that person is unable to understand the nature
4 of the activity or give knowing consent due to
5 circumstances, including without limitation the following:

6 (A) the person is incapacitated due to the use or
7 influence of alcohol or drugs;

8 (B) the person is asleep or unconscious;

9 (C) the person is under age; or

10 (D) the person is incapacitated due to a mental
11 disability.

12 Nothing in this Section prevents a higher education
13 institution from defining consent in a more demanding
14 manner.

15 (2) Procedures that students of the higher education
16 institution may follow if they choose to report an alleged
17 violation of the comprehensive policy, regardless of where
18 the incident of sexual violence, domestic violence, dating
19 violence, or stalking occurred, including all of the
20 following:

21 (A) Name and contact information for the Title IX
22 coordinator, campus law enforcement or security, local
23 law enforcement, and the community-based sexual
24 assault crisis center.

25 (B) The name, title, and contact information for
26 confidential advisors and other confidential resources

1 and a description of what confidential reporting
2 means.

3 (C) Information regarding the various individuals,
4 departments, or organizations to whom a student may
5 report a violation of the comprehensive policy,
6 specifying for each individual and entity (i) the
7 extent of the individual's or entity's reporting
8 obligation, (ii) the extent of the individual's or
9 entity's ability to protect the student's privacy, and
10 (iii) the extent of the individual's or entity's
11 ability to have confidential communications with the
12 student.

13 (D) An option for students to electronically
14 report.

15 (E) An option for students to anonymously report.

16 (F) An option for students to confidentially
17 report.

18 (G) An option for reports by third parties and
19 bystanders.

20 (3) The higher education institution's procedure for
21 responding to a report of an alleged incident of sexual
22 violence, domestic violence, dating violence, or stalking,
23 including without limitation (i) assisting and
24 interviewing the survivor, (ii) identifying and locating
25 witnesses, (iii) contacting and interviewing the
26 respondent, (iv) contacting and cooperating with law

1 enforcement, when applicable, and (v) providing
2 information regarding the importance of preserving
3 physical evidence of the sexual violence and the
4 availability of a medical forensic examination at no charge
5 to the survivor.

6 (4) A statement of the higher education institution's
7 obligation to provide survivors with concise information,
8 written in plain language, concerning the survivor's
9 rights and options, upon receiving a report of an alleged
10 violation of the comprehensive policy, as described in
11 Section 15 of this Act.

12 (5) The name, address, and telephone number of the
13 medical facility nearest to each campus of the higher
14 education institution where a survivor may have a medical
15 forensic examination completed at no cost to the survivor,
16 pursuant to the Sexual Assault Survivors Emergency
17 Treatment Act.

18 (6) The name, telephone number, address, and website
19 URL, if available, of community-based, State, and national
20 sexual assault crisis centers.

21 (7) A statement notifying survivors of the interim
22 protective measures and accommodations reasonably
23 available from the higher education institution that a
24 survivor may request in response to an alleged violation of
25 the comprehensive policy, including without limitation
26 changes to academic, living, dining, transportation, and

1 working situations, obtaining and enforcing campus no
2 contact orders, and honoring an order of protection or no
3 contact order entered by a State civil or criminal court.

4 (8) The higher education institution's complaint
5 resolution procedures if a student alleges violation of the
6 comprehensive violence policy, including, at a minimum,
7 the guidelines set forth in Section 25 of this Act.

8 (9) A statement of the range of sanctions the higher
9 education institution may impose following the
10 implementation of its complaint resolution procedures in
11 response to an alleged violation of the comprehensive
12 policy. Sanctions may include, but are not limited to,
13 suspension, expulsion, or removal of the student found,
14 after complaint resolution procedures, to be in violation
15 of the comprehensive policy of the higher education
16 institution.

17 (10) A statement of the higher education institution's
18 obligation to include an amnesty provision that provides
19 immunity to any student who reports, in good faith, an
20 alleged violation of the higher education institution's
21 comprehensive policy to a responsible employee, as defined
22 by federal law, so that the reporting student will not
23 receive a disciplinary sanction by the institution for a
24 student conduct violation, such as underage drinking or
25 possession or use of a controlled substance, that is
26 revealed in the course of such a report, unless the

1 institution determines that the violation was egregious,
2 including without limitation an action that places the
3 health or safety of any other person at risk.

4 (11) A statement of the higher education institution's
5 prohibition on retaliation against those who, in good
6 faith, report or disclose an alleged violation of the
7 comprehensive policy, file a complaint, or otherwise
8 participate in the complaint resolution procedure and
9 available sanctions for individuals who engage in
10 retaliatory conduct.

11 (Source: P.A. 99-426, eff. 8-21-15; 99-741, eff. 8-5-16.)

12 Section 10. The Liquor Control Act of 1934 is amended by
13 changing Section 6-20 as follows:

14 (235 ILCS 5/6-20) (from Ch. 43, par. 134a)

15 Sec. 6-20. Transfer, possession, and consumption of
16 alcoholic liquor; restrictions.

17 (a) Any person to whom the sale, gift or delivery of any
18 alcoholic liquor is prohibited because of age shall not
19 purchase, or accept a gift of such alcoholic liquor or have
20 such alcoholic liquor in his possession.

21 (b) If a licensee or his or her agents or employees
22 believes or has reason to believe that a sale or delivery of
23 any alcoholic liquor is prohibited because of the non-age of
24 the prospective recipient, he or she shall, before making such

1 sale or delivery demand presentation of some form of positive
2 identification, containing proof of age, issued by a public
3 officer in the performance of his or her official duties.

4 (c) No person shall transfer, alter, or deface such an
5 identification card; use the identification card of another;
6 carry or use a false or forged identification card; or obtain
7 an identification card by means of false information.

8 (d) No person shall purchase, accept delivery or have
9 possession of alcoholic liquor in violation of this Section.

10 (e) The consumption of alcoholic liquor by any person under
11 21 years of age is forbidden.

12 (f) Whoever violates any provisions of this Section shall
13 be guilty of a Class A misdemeanor.

14 (g) The possession and dispensing, or consumption by a
15 person under 21 years of age of alcoholic liquor in the
16 performance of a religious service or ceremony, or the
17 consumption by a person under 21 years of age under the direct
18 supervision and approval of the parents or parent or those
19 persons standing in loco parentis of such person under 21 years
20 of age in the privacy of a home, is not prohibited by this Act.

21 (h) The provisions of this Act prohibiting the possession
22 of alcoholic liquor by a person under 21 years of age and
23 dispensing of alcoholic liquor to a person under 21 years of
24 age do not apply in the case of a student under 21 years of age,
25 but 18 years of age or older, who:

26 (1) tastes, but does not imbibe, alcoholic liquor only

1 during times of a regularly scheduled course while under
2 the direct supervision of an instructor who is at least 21
3 years of age and employed by an educational institution
4 described in subdivision (2);

5 (2) is enrolled as a student in a college, university,
6 or post-secondary educational institution that is
7 accredited or certified by an agency recognized by the
8 United States Department of Education or a nationally
9 recognized accrediting agency or association, or that has a
10 permit of approval issued by the Board of Higher Education
11 pursuant to the Private Business and Vocational Schools Act
12 of 2012;

13 (3) is participating in a culinary arts, fermentation
14 science, food service, or restaurant management degree
15 program of which a portion of the program includes
16 instruction on responsible alcoholic beverage serving
17 methods modeled after the Beverage Alcohol Sellers and
18 Server Education and Training (BASSET) curriculum; and

19 (4) tastes, but does not imbibe, alcoholic liquor for
20 instructional purposes up to, but not exceeding, 6 times
21 per class as a part of a required course in which the
22 student temporarily possesses alcoholic liquor for
23 tasting, not imbibing, purposes only in a class setting on
24 the campus and, thereafter, the alcoholic liquor is
25 possessed and remains under the control of the instructor.

26 (i) A law enforcement officer may not charge or otherwise

1 take a person into custody based solely on the commission of an
2 offense that involves alcohol and violates subsection (d) or
3 (e) of this Section if the law enforcement officer, after
4 making a reasonable determination and considering the facts and
5 surrounding circumstances, reasonably believes that all of the
6 following apply:

7 (1) The law enforcement officer has contact with the
8 person because that person either:

9 (A) requested emergency medical assistance for an
10 individual who reasonably appeared to be in need of
11 medical assistance due to alcohol consumption; or

12 (B) acted in concert with another person who
13 requested emergency medical assistance for an
14 individual who reasonably appeared to be in need of
15 medical assistance due to alcohol consumption;
16 however, the provisions of this subparagraph (B) shall
17 not apply to more than 3 persons acting in concert for
18 any one occurrence.

19 (2) The person described in subparagraph (A) or (B) of
20 paragraph (1) of this subsection (i):

21 (A) provided his or her full name and any other
22 relevant information requested by the law enforcement
23 officer;

24 (B) remained at the scene with the individual who
25 reasonably appeared to be in need of medical assistance
26 due to alcohol consumption until emergency medical

1 assistance personnel arrived; and

2 (C) cooperated with emergency medical assistance
3 personnel and law enforcement officers at the scene.

4 (i-5) (1) In this subsection (i-5):

5 "Medical forensic services" has the meaning defined in
6 Section 1a of the Sexual Assault Survivors Emergency
7 Treatment Act.

8 "Sexual assault" means an act of sexual conduct or
9 sexual penetration, defined in Section 11-0.1 of the
10 Criminal Code of 2012, including, without limitation, acts
11 prohibited under Sections 11-1.20 through 11-1.60 of the
12 Criminal Code of 2012.

13 (2) A law enforcement officer may not charge or
14 otherwise take a person into custody based solely on the
15 commission of an offense that involves alcohol and violates
16 subsection (d) or (e) of this Section if the law
17 enforcement officer, after making a reasonable
18 determination and considering the facts and surrounding
19 circumstances, reasonably believes that all of the
20 following apply:

21 (A) The law enforcement officer has contact with
22 the person because the person:

23 (i) reported that he or she was sexually
24 assaulted;

25 (ii) reported a sexual assault of another
26 person or requested emergency medical assistance

1 or medical forensic services for another person
2 who had been sexually assaulted; or

3 (iii) acted in concert with another person who
4 reported a sexual assault of another person or
5 requested emergency medical assistance or medical
6 forensic services for another person who had been
7 sexually assaulted; however, the provisions of
8 this item (iii) shall not apply to more than 3
9 persons acting in concert for any one occurrence.

10 The report of a sexual assault may have been made to a
11 health care provider, to law enforcement, including the campus
12 police or security department of an institution of higher
13 education, or to the Title IX coordinator of an institution of
14 higher education or another employee of the institution
15 responsible for responding to reports of sexual assault under
16 State or federal law.

17 (B) The person who reports the sexual assault:

18 (i) provided his or her full name;
19 (ii) remained at the scene until emergency
20 medical assistance personnel arrived, if emergency
21 medical assistance was summoned for the person who
22 was sexually assaulted and he or she cooperated
23 with emergency medical assistance personnel; and

24 (iii) cooperated with the agency or person to
25 whom the sexual assault was reported if he or she
26 witnessed or reported the sexual assault of

1 another person.

2 (j) A person who meets the criteria of paragraphs (1) and
3 (2) of subsection (i) of this Section or a person who meets the
4 criteria of paragraph (2) of subsection (i-5) of this Section
5 shall be immune from criminal liability for an offense under
6 subsection (d) or (e) of this Section.

7 (k) A person may not initiate an action against a law
8 enforcement officer based on the officer's compliance or
9 failure to comply with subsection (i) or (i-5) of this Section,
10 except for willful or wanton misconduct.

11 (Source: P.A. 99-447, eff. 6-1-16; 99-795, eff. 8-12-16.)

12 Section 15. The Sexual Assault Survivors Emergency
13 Treatment Act is amended by changing Sections 5 and 6.5 as
14 follows:

15 (410 ILCS 70/5) (from Ch. 111 1/2, par. 87-5)

16 Sec. 5. Minimum requirements for hospitals providing
17 hospital emergency services and forensic services to sexual
18 assault survivors.

19 (a) Every hospital providing hospital emergency services
20 and forensic services to sexual assault survivors under this
21 Act shall, as minimum requirements for such services, provide,
22 with the consent of the sexual assault survivor, and as ordered
23 by the attending physician, an advanced practice registered
24 nurse, or a physician assistant, the following:

1 (1) appropriate medical examinations and laboratory
2 tests required to ensure the health, safety, and welfare of
3 a sexual assault survivor or which may be used as evidence
4 in a criminal proceeding against a person accused of the
5 sexual assault, or both; and records of the results of such
6 examinations and tests shall be maintained by the hospital
7 and made available to law enforcement officials upon the
8 request of the sexual assault survivor;

9 (2) appropriate oral and written information
10 concerning the possibility of infection, sexually
11 transmitted disease and pregnancy resulting from sexual
12 assault;

13 (3) appropriate oral and written information
14 concerning accepted medical procedures, medication, and
15 possible contraindications of such medication available
16 for the prevention or treatment of infection or disease
17 resulting from sexual assault;

18 (3.5) after a medical evidentiary or physical
19 examination, access to a shower at no cost, unless
20 showering facilities are unavailable;

21 (4) an amount of medication for treatment at the
22 hospital and after discharge as is deemed appropriate by
23 the attending physician, an advanced practice registered
24 nurse, or a physician assistant and consistent with the
25 hospital's current approved protocol for sexual assault
26 survivors;

1 (5) an evaluation of the sexual assault survivor's risk
2 of contracting human immunodeficiency virus (HIV) from the
3 sexual assault;

4 (6) written and oral instructions indicating the need
5 for follow-up examinations and laboratory tests after the
6 sexual assault to determine the presence or absence of
7 sexually transmitted disease;

8 (7) referral by hospital personnel for appropriate
9 counseling; and

10 (8) when HIV prophylaxis is deemed appropriate, an
11 initial dose or doses of HIV prophylaxis, along with
12 written and oral instructions indicating the importance of
13 timely follow-up healthcare.

14 (b) Any person who is a sexual assault survivor who seeks
15 emergency hospital services and forensic services or follow-up
16 healthcare under this Act shall be provided such services
17 without the consent of any parent, guardian, custodian,
18 surrogate, or agent.

19 (b-5) Every treating hospital providing hospital emergency
20 and forensic services to sexual assault survivors shall issue a
21 voucher to any sexual assault survivor who is eligible to
22 receive one. The hospital shall make a copy of the voucher and
23 place it in the medical record of the sexual assault survivor.
24 The hospital shall provide a copy of the voucher to the sexual
25 assault survivor after discharge upon request.

26 (c) Nothing in this Section creates a physician-patient

1 relationship that extends beyond discharge from the hospital
2 emergency department.

3 (Source: P.A. 99-173, eff. 7-29-15; 99-454, eff. 1-1-16;
4 99-642, eff. 7-28-16; 100-513, eff. 1-1-18.)

5 (410 ILCS 70/6.5)

6 Sec. 6.5. Written consent to the release of sexual assault
7 evidence for testing.

8 (a) Upon the completion of hospital emergency services and
9 forensic services, the health care professional providing the
10 forensic services shall provide the patient the opportunity to
11 sign a written consent to allow law enforcement to submit the
12 sexual assault evidence for testing. The written consent shall
13 be on a form included in the sexual assault evidence collection
14 kit and shall include whether the survivor consents to the
15 release of information about the sexual assault to law
16 enforcement.

17 (1) A survivor 13 years of age or older may sign the
18 written consent to release the evidence for testing.

19 (2) If the survivor is a minor who is under 13 years of
20 age, the written consent to release the sexual assault
21 evidence for testing may be signed by the parent, guardian,
22 investigating law enforcement officer, or Department of
23 Children and Family Services.

24 (3) If the survivor is an adult who has a guardian of
25 the person, a health care surrogate, or an agent acting

1 under a health care power of attorney, the consent of the
2 guardian, surrogate, or agent is not required to release
3 evidence and information concerning the sexual assault or
4 sexual abuse. If the adult is unable to provide consent for
5 the release of evidence and information and a guardian,
6 surrogate, or agent under a health care power of attorney
7 is unavailable or unwilling to release the information,
8 then an investigating law enforcement officer may
9 authorize the release.

10 (4) Any health care professional, including any
11 physician, advanced practice registered nurse, physician
12 assistant, or nurse, sexual assault nurse examiner, and any
13 health care institution, including any hospital, who
14 provides evidence or information to a law enforcement
15 officer under a written consent as specified in this
16 Section is immune from any civil or professional liability
17 that might arise from those actions, with the exception of
18 willful or wanton misconduct. The immunity provision
19 applies only if all of the requirements of this Section are
20 met.

21 (b) The hospital shall keep a copy of a signed or unsigned
22 written consent form in the patient's medical record.

23 (c) If a written consent to allow law enforcement to test
24 the sexual assault evidence is not signed at the completion of
25 hospital emergency services and forensic services, the
26 hospital shall include the following information in its

1 discharge instructions:

2 (1) the sexual assault evidence will be stored for 10 ~~5~~
3 years from the completion of an Illinois State Police
4 Sexual Assault Evidence Collection Kit, or 10 ~~5~~ years from
5 the age of 18 years, whichever is longer;

6 (2) a person authorized to consent to the testing of
7 the sexual assault evidence may sign a written consent to
8 allow law enforcement to test the sexual assault evidence
9 at any time during that 10-year ~~5-year~~ period for an adult
10 victim, or until a minor victim turns 28 ~~23~~ years of age by
11 (A) contacting the law enforcement agency having
12 jurisdiction, or if unknown, the law enforcement agency
13 contacted by the hospital under Section 3.2 of the Criminal
14 Identification Act; or (B) by working with an advocate at a
15 rape crisis center;

16 (3) the name, address, and phone number of the law
17 enforcement agency having jurisdiction, or if unknown the
18 name, address, and phone number of the law enforcement
19 agency contacted by the hospital under Section 3.2 of the
20 Criminal Identification Act; and

21 (4) the name and phone number of a local rape crisis
22 center.

23 (Source: P.A. 99-801, eff. 1-1-17; 100-513, eff. 1-1-18.)

24 Section 20. The Criminal Code of 2012 is amended by
25 changing Section 3-6 as follows:

1 (720 ILCS 5/3-6) (from Ch. 38, par. 3-6)

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

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

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

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

23 (b) A prosecution for any offense based upon misconduct in
24 office by a public officer or employee may be commenced within
25 one year after discovery of the offense by a person having a

1 legal duty to report such offense, or in the absence of such
2 discovery, within one year after the proper prosecuting officer
3 becomes aware of the offense. However, in no such case is the
4 period of limitation so extended more than 3 years beyond the
5 expiration of the period otherwise applicable.

6 (b-5) When the victim is under 18 years of age at the time
7 of the offense, a prosecution for involuntary servitude,
8 involuntary sexual servitude of a minor, or trafficking in
9 persons and related offenses under Section 10-9 of this Code
10 may be commenced within 25 years of the victim attaining the
11 age of 18 years.

12 (c) (Blank).

13 (d) A prosecution for child pornography, aggravated child
14 pornography, indecent solicitation of a child, soliciting for a
15 juvenile prostitute, juvenile pimping, exploitation of a
16 child, or promoting juvenile prostitution except for keeping a
17 place of juvenile prostitution may be commenced within one year
18 of the victim attaining the age of 18 years. However, in no
19 such case shall the time period for prosecution expire sooner
20 than 3 years after the commission of the offense.

21 (e) Except as otherwise provided in subdivision (j), a
22 prosecution for any offense involving sexual conduct or sexual
23 penetration, as defined in Section 11-0.1 of this Code, where
24 the defendant was within a professional or fiduciary
25 relationship or a purported professional or fiduciary
26 relationship with the victim at the time of the commission of

1 the offense may be commenced within one year after the
2 discovery of the offense by the victim.

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

10 (f-5) A prosecution for any offense set forth in Section
11 16-30 of this Code may be commenced within 5 years after the
12 discovery of the offense by the victim of that offense.

13 (g) (Blank).

14 (h) (Blank).

15 (i) Except as otherwise provided in subdivision (j), a
16 prosecution for criminal sexual assault, aggravated criminal
17 sexual assault, or aggravated criminal sexual abuse may be
18 commenced within 10 years of the commission of the offense if
19 the victim reported the offense to law enforcement authorities
20 within 3 years after the commission of the offense. If the
21 victim consented to the collection of evidence using an
22 Illinois State Police Sexual Assault Evidence Collection Kit
23 under the Sexual Assault Survivors Emergency Treatment Act, it
24 shall constitute reporting for purposes of this Section.

25 Nothing in this subdivision (i) shall be construed to
26 shorten a period within which a prosecution must be commenced

1 under any other provision of this Section.

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

7 (j) (1) When the victim is under 18 years of age at the
8 time of the offense, a prosecution for criminal sexual assault,
9 aggravated criminal sexual assault, predatory criminal sexual
10 assault of a child, aggravated criminal sexual abuse, or felony
11 criminal sexual abuse may be commenced at any time.

12 (2) When the victim is under 18 years of age at the time of
13 the offense, a prosecution for failure of a person who is
14 required to report an alleged or suspected commission of
15 criminal sexual assault, aggravated criminal sexual assault,
16 predatory criminal sexual assault of a child, aggravated
17 criminal sexual abuse, or felony criminal sexual abuse under
18 the Abused and Neglected Child Reporting Act may be commenced
19 within 20 years after the child victim attains 18 years of age.

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

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

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

6 (k) (Blank).

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

10 (m) The prosecution shall not be required to prove at trial
11 facts which extend the general limitations in Section 3-5 of
12 this Code when the facts supporting extension of the period of
13 general limitations are properly pled in the charging document.
14 Any challenge relating to the extension of the general
15 limitations period as defined in this Section shall be
16 exclusively conducted under Section 114-1 of the Code of
17 Criminal Procedure of 1963.

18 (Source: P.A. 99-234, eff. 8-3-15; 99-820, eff. 8-15-16;
19 100-80, eff. 8-11-17; 100-318, eff. 8-24-17; 100-434, eff.
20 1-1-18; revised 10-5-17.)

21 Section 25. The Illinois Controlled Substances Act is
22 amended by adding Section 415 as follows:

23 (720 ILCS 570/415 new)

24 Sec. 415. Use, possession, and consumption of a controlled

1 substance related to sexual assault; limited immunity from
2 prosecution.

3 (a) In this Section:

4 "Medical forensic services" has the meaning defined in
5 Section 1a of the Sexual Assault Survivors Emergency
6 Treatment Act.

7 "Sexual assault" means an act of sexual conduct or
8 sexual penetration, defined in Section 11-0.1 of the
9 Criminal Code of 2012, including, without limitation, acts
10 prohibited under Sections 11-1.20 through 11-1.60 of the
11 Criminal Code of 2012.

12 (b) A person who is a victim of a sexual assault shall not
13 be charged or prosecuted for Class 4 felony possession of a
14 controlled, counterfeit, or look-alike substance or a
15 controlled substance analog:

16 (1) if evidence for the Class 4 felony possession
17 charge was acquired as a result of the person reporting the
18 sexual assault to law enforcement, or seeking or obtaining
19 emergency medical assistance or medical forensic services;
20 and

21 (2) provided the amount of substance recovered is
22 within the amount identified in subsection (d) of this
23 Section.

24 (c) A person who, in good faith, reports to law enforcement
25 the commission of a sexual assault against another person or
26 seeks or obtains emergency medical assistance or medical

1 forensic services for a victim of sexual assault shall not be
2 charged or prosecuted for Class 4 felony possession of a
3 controlled, counterfeit, or look-alike substance or a
4 controlled substance analog:

5 (1) if evidence for the Class 4 felony possession
6 charge was acquired as a result of the person seeking or
7 obtaining emergency medical assistance or medical forensic
8 services; and

9 (2) provided the amount of substance recovered is
10 within the amount identified in subsection (d) of this
11 Section.

12 (d) For the purposes of subsections (b) and (c) of this
13 Section, the limited immunity shall only apply to a person
14 possessing the following amount:

15 (1) less than 3 grams of a substance containing heroin;

16 (2) less than 3 grams of a substance containing
17 cocaine;

18 (3) less than 3 grams of a substance containing
19 morphine;

20 (4) less than 40 grams of a substance containing
21 peyote;

22 (5) less than 40 grams of a substance containing a
23 derivative of barbituric acid or any of the salts of a
24 derivative of barbituric acid;

25 (6) less than 40 grams of a substance containing
26 amphetamine or any salt of an optical isomer of

1 amphetamine;

2 (7) less than 3 grams of a substance containing
3 lysergic acid diethylamide (LSD), or an analog thereof;

4 (8) less than 6 grams of a substance containing
5 pentazocine or any of the salts, isomers and salts of
6 isomers of pentazocine, or an analog thereof;

7 (9) less than 6 grams of a substance containing
8 methaqualone or any of the salts, isomers and salts of
9 isomers of methaqualone;

10 (10) less than 6 grams of a substance containing
11 phencyclidine or any of the salts, isomers and salts of
12 isomers of phencyclidine (PCP);

13 (11) less than 6 grams of a substance containing
14 ketamine or any of the salts, isomers and salts of isomers
15 of ketamine; or

16 (12) less than 40 grams of a substance containing a
17 substance classified as a narcotic drug in Schedules I or
18 II, or an analog thereof, which is not otherwise included
19 in this subsection (d).

20 (e) The limited immunity described in subsections (b) and
21 (c) of this Section shall not be extended if law enforcement
22 has reasonable suspicion or probable cause to detain, arrest,
23 or search the person described in subsection (b) or (c) of this
24 Section for criminal activity and the reasonable suspicion or
25 probable cause is based on information obtained prior to or
26 independent of the person described in subsection (b) or (c) of

1 this Section taking action to report a sexual assault to law
2 enforcement or to seek or obtain emergency medical assistance
3 or medical forensic services and not obtained as a direct
4 result of the action of seeking or obtaining emergency medical
5 assistance or medical forensic services. Nothing in this
6 Section is intended to interfere with or prevent the
7 investigation, arrest, or prosecution of any person for the
8 delivery or distribution of cannabis, methamphetamine, or
9 other controlled substances, drug-induced homicide, or any
10 other crime.

11 Section 30. The Rights of Crime Victims and Witnesses Act
12 is amended by changing Section 4 and by adding Section 4.6 as
13 follows:

14 (725 ILCS 120/4) (from Ch. 38, par. 1404)

15 Sec. 4. Rights of crime victims.

16 (a) Crime victims shall have the following rights:

17 (1) The right to be treated with fairness and respect
18 for their dignity and privacy and to be free from
19 harassment, intimidation, and abuse throughout the
20 criminal justice process.

21 (1.5) The right to notice and to a hearing before a
22 court ruling on a request for access to any of the victim's
23 records, information, or communications which are
24 privileged or confidential by law.

1 (2) The right to timely notification of all court
2 proceedings.

3 (3) The right to communicate with the prosecution.

4 (4) The right to be heard at any post-arraignment court
5 proceeding in which a right of the victim is at issue and
6 any court proceeding involving a post-arraignment release
7 decision, plea, or sentencing.

8 (5) The right to be notified of the conviction, the
9 sentence, the imprisonment and the release of the accused.

10 (6) The right to the timely disposition of the case
11 following the arrest of the accused.

12 (7) The right to be reasonably protected from the
13 accused through the criminal justice process.

14 (7.5) The right to have the safety of the victim and
15 the victim's family considered in denying or fixing the
16 amount of bail, determining whether to release the
17 defendant, and setting conditions of release after arrest
18 and conviction.

19 (8) The right to be present at the trial and all other
20 court proceedings on the same basis as the accused, unless
21 the victim is to testify and the court determines that the
22 victim's testimony would be materially affected if the
23 victim hears other testimony at the trial.

24 (9) The right to have present at all court proceedings,
25 including proceedings under the Juvenile Court Act of 1987,
26 subject to the rules of evidence, an advocate and other

1 support person of the victim's choice.

2 (10) The right to restitution.

3 (b) Any law enforcement agency that investigates an offense
4 committed in this State shall provide a crime victim with a
5 written statement and explanation of the rights of crime
6 victims under this amendatory Act of the 99th General Assembly
7 within 48 hours of law enforcement's initial contact with a
8 victim. The statement shall include information about crime
9 victim compensation, including how to contact the Office of the
10 Illinois Attorney General to file a claim, and appropriate
11 referrals to local and State programs that provide victim
12 services. The content of the statement shall be provided to law
13 enforcement by the Attorney General. Law enforcement shall also
14 provide a crime victim with a sign-off sheet that the victim
15 shall sign and date as an acknowledgement that he or she has
16 been furnished with information and an explanation of the
17 rights of crime victims and compensation set forth in this Act.

18 (b-5) Upon the request of the victim, the law enforcement
19 agency having jurisdiction shall provide a free copy of the
20 police report concerning the victim's incident, as soon as
21 practicable, but in no event later than 5 business days from
22 the request.

23 (c) The Clerk of the Circuit Court shall post the rights of
24 crime victims set forth in Article I, Section 8.1(a) of the
25 Illinois Constitution and subsection (a) of this Section within
26 3 feet of the door to any courtroom where criminal proceedings

1 are conducted. The clerk may also post the rights in other
2 locations in the courthouse.

3 (d) At any point, the victim has the right to retain a
4 victim's attorney who may be present during all stages of any
5 interview, investigation, or other interaction with
6 representatives of the criminal justice system. Treatment of
7 the victim should not be affected or altered in any way as a
8 result of the victim's decision to exercise this right.

9 (Source: P.A. 99-413, eff. 8-20-15.)

10 (725 ILCS 120/4.6 new)

11 Sec. 4.6. Advocates; support person.

12 (a) A crime victim has a right to have an advocate present
13 during any medical evidentiary or physical examination, unless
14 no advocate can be summoned in a reasonably timely manner. The
15 victim also has the right to have an additional person present
16 for support during any medical evidentiary or physical
17 examination.

18 (b) A victim retains the rights prescribed in subsection
19 (a) of this Section even if the victim has waived these rights
20 in a previous examination.

21 Section 35. The Sexual Assault Incident Procedure Act is
22 amended by changing Sections 25 and 30 as follows:

23 (725 ILCS 203/25)

1 Sec. 25. Report; victim notice.

2 (a) At the time of first contact with the victim, law
3 enforcement shall:

4 (1) Advise the victim about the following by providing
5 a form, the contents of which shall be prepared by the
6 Office of the Attorney General and posted on its website,
7 written in a language appropriate for the victim or in
8 Braille, or communicating in appropriate sign language
9 that includes, but is not limited to:

10 (A) information about seeking medical attention
11 and preserving evidence, including specifically,
12 collection of evidence during a medical forensic
13 examination at a hospital and photographs of injury and
14 clothing;

15 (B) notice that the victim will not be charged for
16 hospital emergency and medical forensic services;

17 (C) information advising the victim that evidence
18 can be collected at the hospital up to 7 days after the
19 sexual assault or sexual abuse but that the longer the
20 victim waits the likelihood of obtaining evidence
21 decreases;

22 (C-5) notice that the sexual assault forensic
23 evidence collected will not be used to prosecute the
24 victim for any offense related to the use of alcohol,
25 cannabis, or a controlled substance;

26 (D) the location of nearby hospitals that provide

1 emergency medical and forensic services and, if known,
2 whether the hospitals employ any sexual assault nurse
3 examiners;

4 (E) a summary of the procedures and relief
5 available to victims of sexual assault or sexual abuse
6 under the Civil No Contact Order Act or the Illinois
7 Domestic Violence Act of 1986;

8 (F) the law enforcement officer's name and badge
9 number;

10 (G) at least one referral to an accessible service
11 agency and information advising the victim that rape
12 crisis centers can assist with obtaining civil no
13 contact orders and orders of protection; and

14 (H) if the sexual assault or sexual abuse occurred
15 in another jurisdiction, provide in writing the
16 address and phone number of a specific contact at the
17 law enforcement agency having jurisdiction.

18 (2) Offer to provide or arrange accessible
19 transportation for the victim to a hospital for emergency
20 and forensic services, including contacting emergency
21 medical services.

22 (3) Offer to provide or arrange accessible
23 transportation for the victim to the nearest available
24 circuit judge or associate judge so the victim may file a
25 petition for an emergency civil no contact order under the
26 Civil No Contact Order Act or an order of protection under

1 the Illinois Domestic Violence Act of 1986 after the close
2 of court business hours, if a judge is available.

3 (b) At the time of the initial contact with a person making
4 a third-party report under Section 22 of this Act, a law
5 enforcement officer shall provide the written information
6 prescribed under paragraph (1) of subsection (a) of this
7 Section to the person making the report and request the person
8 provide the written information to the victim of the sexual
9 assault or sexual abuse.

10 (c) If the first contact with the victim occurs at a
11 hospital, a law enforcement officer may request the hospital
12 provide interpretive services.

13 (Source: P.A. 99-801, eff. 1-1-17.)

14 (725 ILCS 203/30)

15 Sec. 30. Release and storage of sexual assault evidence.

16 (a) A law enforcement agency having jurisdiction that is
17 notified by a hospital or another law enforcement agency that a
18 victim of a sexual assault or sexual abuse has received a
19 medical forensic examination and has completed an Illinois
20 State Police Sexual Assault Evidence Collection Kit shall take
21 custody of the sexual assault evidence as soon as practicable,
22 but in no event more than 5 days after the completion of the
23 medical forensic examination.

24 (a-5) A State's Attorney who is notified under subsection
25 (d) of Section 6.6 of the Sexual Assault Survivors Emergency

1 Treatment Act that a hospital is in possession of sexual
2 assault evidence shall, within 72 hours, contact the
3 appropriate law enforcement agency to request that the law
4 enforcement agency take immediate physical custody of the
5 sexual assault evidence.

6 (b) The written report prepared under Section 20 of this
7 Act shall include the date and time the sexual assault evidence
8 was picked up from the hospital and the date and time the
9 sexual assault evidence was sent to the laboratory in
10 accordance with the Sexual Assault Evidence Submission Act.

11 (c) If the victim of a sexual assault or sexual abuse or a
12 person authorized under Section 6.5 of the Sexual Assault
13 Survivors Emergency Treatment Act has consented to allow law
14 enforcement to test the sexual assault evidence, the law
15 enforcement agency having jurisdiction shall submit the sexual
16 assault evidence for testing in accordance with the Sexual
17 Assault Evidence Submission Act. No law enforcement agency
18 having jurisdiction may refuse or fail to send sexual assault
19 evidence for testing that the victim has released for testing.

20 (d) A victim shall have 10 ~~5~~ years from the completion of
21 an Illinois State Police Sexual Assault Evidence Collection
22 Kit, or 10 ~~5~~ years from the age of 18 years, whichever is
23 longer, to sign a written consent to release the sexual assault
24 evidence to law enforcement for testing. If the victim or a
25 person authorized under Section 6.5 of the Sexual Assault
26 Survivors Emergency Treatment Act does not sign the written

1 consent at the completion of the medical forensic examination,
2 the victim or person authorized by Section 6.5 of the Sexual
3 Assault Survivors Emergency Treatment Act may sign the written
4 release at the law enforcement agency having jurisdiction, or
5 in the presence of a sexual assault advocate who may deliver
6 the written release to the law enforcement agency having
7 jurisdiction. The victim may also provide verbal consent to the
8 law enforcement agency having jurisdiction and shall verify the
9 verbal consent via email or fax. Upon receipt of written or
10 verbal consent, the law enforcement agency having jurisdiction
11 shall submit the sexual assault evidence for testing in
12 accordance with the Sexual Assault Evidence Submission Act. No
13 law enforcement agency having jurisdiction may refuse or fail
14 to send the sexual assault evidence for testing that the victim
15 has released for testing.

16 (e) The law enforcement agency having jurisdiction who
17 speaks to a victim who does not sign a written consent to
18 release the sexual assault evidence prior to discharge from the
19 hospital shall provide a written notice to the victim that
20 contains the following information:

21 (1) where the sexual assault evidence will be stored
22 for 10 ~~5~~ years;

23 (2) notice that the victim may sign a written release
24 to test the sexual assault evidence at any time during the
25 10-year ~~5-year~~ period by contacting the law enforcement
26 agency having jurisdiction or working with a sexual assault

1 advocate;

2 (3) the name, phone number, and email address of the
3 law enforcement agency having jurisdiction; and

4 (4) the name and phone number of a local rape crisis
5 center.

6 Each law enforcement agency shall develop a protocol for
7 providing this information to victims as part of the written
8 policies required in subsection (a) of Section 15 of this Act.

9 (f) A law enforcement agency must develop a protocol for
10 responding to victims who want to sign a written consent to
11 release the sexual assault evidence and to ensure that victims
12 who want to be notified or have a designee notified prior to
13 the end of the 10-year ~~5-year~~ period are provided notice.

14 (g) Nothing in this Section shall be construed as limiting
15 the storage period to 10 ~~5~~ years. A law enforcement agency
16 having jurisdiction may adopt a storage policy that provides
17 for a period of time exceeding 10 ~~5~~ years. If a longer period
18 of time is adopted, the law enforcement agency having
19 jurisdiction shall notify the victim or designee in writing of
20 the longer storage period.

21 (Source: P.A. 99-801, eff. 1-1-17.)