



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3688

Introduced 2/22/2021, by Rep. Kelly M. Cassidy

SYNOPSIS AS INTRODUCED:

720 ILCS 5/11-0.1

720 ILCS 5/11-1.20

was 720 ILCS 5/12-13

Amends the Criminal Code of 2012. Defines "coercive control". Provides that a person commits criminal sexual assault if that person commits an act of sexual penetration and uses coercive control.

LRB102 16542 KMF 21937 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
5 changing Sections 11-0.1 and 11-1.20 as follows:

6 (720 ILCS 5/11-0.1)

7 Sec. 11-0.1. Definitions. In this Article, unless the
8 context clearly requires otherwise, the following terms are
9 defined as indicated:

10 "Accused" means a person accused of an offense prohibited
11 by Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, or 11-1.60 of
12 this Code or a person for whose conduct the accused is legally
13 responsible under Article 5 of this Code.

14 "Adult obscenity or child pornography Internet site". See
15 Section 11-23.

16 "Advance prostitution" means:

17 (1) Soliciting for a prostitute by performing any of
18 the following acts when acting other than as a prostitute
19 or a patron of a prostitute:

20 (A) Soliciting another for the purpose of
21 prostitution.

22 (B) Arranging or offering to arrange a meeting of
23 persons for the purpose of prostitution.

1 (C) Directing another to a place knowing the
2 direction is for the purpose of prostitution.

3 (2) Keeping a place of prostitution by controlling or
4 exercising control over the use of any place that could
5 offer seclusion or shelter for the practice of
6 prostitution and performing any of the following acts when
7 acting other than as a prostitute or a patron of a
8 prostitute:

9 (A) Knowingly granting or permitting the use of
10 the place for the purpose of prostitution.

11 (B) Granting or permitting the use of the place
12 under circumstances from which he or she could
13 reasonably know that the place is used or is to be used
14 for purposes of prostitution.

15 (C) Permitting the continued use of the place
16 after becoming aware of facts or circumstances from
17 which he or she should reasonably know that the place
18 is being used for purposes of prostitution.

19 "Agency". See Section 11-9.5.

20 "Arranges". See Section 11-6.5.

21 "Bodily harm" means physical harm, and includes, but is
22 not limited to, sexually transmitted disease, pregnancy, and
23 impotence.

24 "Care and custody". See Section 11-9.5.

25 "Child care institution". See Section 11-9.3.

26 "Child pornography". See Section 11-20.1.

1 "Child sex offender". See Section 11-9.3.

2 "Coercive control" means a direct or implied threat of
3 danger, or retribution sufficient to coerce a reasonable
4 person of ordinary susceptibilities to perform an act which
5 otherwise would not have been performed, or acquiesce in an
6 act to which one otherwise would not have submitted.

7 "Community agency". See Section 11-9.5.

8 "Conditional release". See Section 11-9.2.

9 "Consent". See Section 11-1.70.

10 "Custody". See Section 11-9.2.

11 "Day care center". See Section 11-9.3.

12 "Depict by computer". See Section 11-20.1.

13 "Depiction by computer". See Section 11-20.1.

14 "Disseminate". See Section 11-20.1.

15 "Distribute". See Section 11-21.

16 "Family member" means a parent, grandparent, child, aunt,
17 uncle, great-aunt, or great-uncle, whether by whole blood,
18 half-blood, or adoption, and includes a step-grandparent,
19 step-parent, or step-child. "Family member" also means, if the
20 victim is a child under 18 years of age, an accused who has
21 resided in the household with the child continuously for at
22 least 6 months.

23 "Force or threat of force" means the use of force or
24 violence or the threat of force or violence, including, but
25 not limited to, the following situations:

26 (1) when the accused threatens to use force or

1 violence on the victim or on any other person, and the
2 victim under the circumstances reasonably believes that
3 the accused has the ability to execute that threat; or

4 (2) when the accused overcomes the victim by use of
5 superior strength or size, physical restraint, or physical
6 confinement.

7 "Harmful to minors". See Section 11-21.

8 "Loiter". See Section 9.3.

9 "Material". See Section 11-21.

10 "Minor". See Section 11-21.

11 "Nudity". See Section 11-21.

12 "Obscene". See Section 11-20.

13 "Part day child care facility". See Section 11-9.3.

14 "Penal system". See Section 11-9.2.

15 "Person responsible for the child's welfare". See Section
16 11-9.1A.

17 "Person with a disability". See Section 11-9.5.

18 "Playground". See Section 11-9.3.

19 "Probation officer". See Section 11-9.2.

20 "Produce". See Section 11-20.1.

21 "Profit from prostitution" means, when acting other than
22 as a prostitute, to receive anything of value for personally
23 rendered prostitution services or to receive anything of value
24 from a prostitute, if the thing received is not for lawful
25 consideration and the person knows it was earned in whole or in
26 part from the practice of prostitution.

1 "Public park". See Section 11-9.3.

2 "Public place". See Section 11-30.

3 "Reproduce". See Section 11-20.1.

4 "Sado-masochistic abuse". See Section 11-21.

5 "School". See Section 11-9.3.

6 "School official". See Section 11-9.3.

7 "Sexual abuse". See Section 11-9.1A.

8 "Sexual act". See Section 11-9.1.

9 "Sexual conduct" means any knowing touching or fondling by
10 the victim or the accused, either directly or through
11 clothing, of the sex organs, anus, or breast of the victim or
12 the accused, or any part of the body of a child under 13 years
13 of age, or any transfer or transmission of semen by the accused
14 upon any part of the clothed or unclothed body of the victim,
15 for the purpose of sexual gratification or arousal of the
16 victim or the accused.

17 "Sexual excitement". See Section 11-21.

18 "Sexual penetration" means any contact, however slight,
19 between the sex organ or anus of one person and an object or
20 the sex organ, mouth, or anus of another person, or any
21 intrusion, however slight, of any part of the body of one
22 person or of any animal or object into the sex organ or anus of
23 another person, including, but not limited to, cunnilingus,
24 fellatio, or anal penetration. Evidence of emission of semen
25 is not required to prove sexual penetration.

26 "Solicit". See Section 11-6.

1 "State-operated facility". See Section 11-9.5.

2 "Supervising officer". See Section 11-9.2.

3 "Surveillance agent". See Section 11-9.2.

4 "Treatment and detention facility". See Section 11-9.2.

5 "Victim" means a person alleging to have been subjected to
6 an offense prohibited by Section 11-1.20, 11-1.30, 11-1.40,
7 11-1.50, or 11-1.60 of this Code.

8 (Source: P.A. 96-1551, eff. 7-1-11.)

9 (720 ILCS 5/11-1.20) (was 720 ILCS 5/12-13)

10 Sec. 11-1.20. Criminal sexual assault.

11 (a) A person commits criminal sexual assault if that
12 person commits an act of sexual penetration and:

13 (1) uses force or threat of force;

14 (2) knows that the victim is unable to understand the
15 nature of the act or is unable to give knowing consent;

16 (3) is a family member of the victim, and the victim is
17 under 18 years of age; ~~or~~

18 (4) is 17 years of age or over and holds a position of
19 trust, authority, or supervision in relation to the
20 victim, and the victim is at least 13 years of age but
21 under 18 years of age; or

22 (5) uses coercive control.

23 (b) Sentence.

24 (1) Criminal sexual assault is a Class 1 felony,
25 except that:

1 (A) A person who is convicted of the offense of
2 criminal sexual assault as defined in paragraph (a)(1)
3 or (a)(2) after having previously been convicted of
4 the offense of criminal sexual assault or the offense
5 of exploitation of a child, or who is convicted of the
6 offense of criminal sexual assault as defined in
7 paragraph (a)(1) or (a)(2) after having previously
8 been convicted under the laws of this State or any
9 other state of an offense that is substantially
10 equivalent to the offense of criminal sexual assault
11 or to the offense of exploitation of a child, commits a
12 Class X felony for which the person shall be sentenced
13 to a term of imprisonment of not less than 30 years and
14 not more than 60 years, except that if the person is
15 under the age of 18 years at the time of the offense,
16 he or she shall be sentenced under Section 5-4.5-105
17 of the Unified Code of Corrections. The commission of
18 the second or subsequent offense is required to have
19 been after the initial conviction for this paragraph
20 (A) to apply.

21 (B) A person who has attained the age of 18 years
22 at the time of the commission of the offense and who is
23 convicted of the offense of criminal sexual assault as
24 defined in paragraph (a)(1) or (a)(2) after having
25 previously been convicted of the offense of aggravated
26 criminal sexual assault or the offense of predatory

1 criminal sexual assault of a child, or who is
2 convicted of the offense of criminal sexual assault as
3 defined in paragraph (a)(1) or (a)(2) after having
4 previously been convicted under the laws of this State
5 or any other state of an offense that is substantially
6 equivalent to the offense of aggravated criminal
7 sexual assault or the offense of predatory criminal
8 sexual assault of a child shall be sentenced to a term
9 of natural life imprisonment. The commission of the
10 second or subsequent offense is required to have been
11 after the initial conviction for this paragraph (B) to
12 apply. An offender under the age of 18 years at the
13 time of the commission of the offense covered by this
14 subparagraph (B) shall be sentenced under Section
15 5-4.5-105 of the Unified Code of Corrections.

16 (C) A second or subsequent conviction for a
17 violation of paragraph (a)(3) or (a)(4) or under any
18 similar statute of this State or any other state for
19 any offense involving criminal sexual assault that is
20 substantially equivalent to or more serious than the
21 sexual assault prohibited under paragraph (a)(3) or
22 (a)(4) is a Class X felony.

23 (Source: P.A. 99-69, eff. 1-1-16.)