



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB5809

Introduced 11/16/2022, by Rep. Katie Stuart - Michelle Mussman
- Fred Crespo - Terra Costa Howard, Michael Halpin, et al.

SYNOPSIS AS INTRODUCED:

720 ILCS 5/11-1.20
720 ILCS 5/11-1.60
720 ILCS 5/11-25

was 720 ILCS 5/12-13
was 720 ILCS 5/12-16

Amends the Criminal Code of 2012. Provides that a person also commits criminal sexual assault if that person commits an act of sexual penetration and the victim is at least 18 years of age but under 22 years of age and is a student attending classes at a public or nonpublic secondary school and the accused held or holds a position of trust, authority, or supervision over the victim in connection with an educational or extracurricular program or activity at the time of the commission of the act, regardless of the location or place of the commission of the act. Provides that a person also commits aggravated criminal sexual abuse if that person commits an act of sexual conduct with a victim who is at least 18 years of age but under 22 years of age and is a student attending classes at a public or nonpublic secondary school and the accused held or holds a position of trust, authority, or supervision in relation to the victim in connection with an educational or extracurricular program or activity at the time of the commission of the act, regardless of the location or place of the commission of the act. Provides that, for purposes of the grooming statute, "child" includes a person who is at least 17 years of age but under 22 years of age and is a student attending classes at a public or nonpublic secondary school.

LRB102 29006 RLC 40908 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 11-1.20, 11-1.60, and 11-25 as follows:

6 (720 ILCS 5/11-1.20) (was 720 ILCS 5/12-13)

7 Sec. 11-1.20. Criminal sexual assault.

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

10 (1) uses force or threat of force;

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

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

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

19 (5) the victim is at least 18 years of age but under 22
20 years of age and is a student attending classes at a public
21 or nonpublic secondary school and the accused held or
22 holds a position of trust, authority, or supervision over
23 the victim in connection with an educational or

1 extracurricular program or activity at the time of the
2 commission of the act, regardless of the location or place
3 of the commission of the act.

4 (b) Sentence.

5 (1) Criminal sexual assault is a Class 1 felony,
6 except that:

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

1 (B) A person who has attained the age of 18 years
2 at the time of the commission of the offense and who is
3 convicted of the offense of criminal sexual assault as
4 defined in paragraph (a)(1) or (a)(2) after having
5 previously been convicted of the offense of aggravated
6 criminal sexual assault or the offense of predatory
7 criminal sexual assault of a child, or who is
8 convicted of the offense of criminal sexual assault as
9 defined in paragraph (a)(1) or (a)(2) after having
10 previously been convicted under the laws of this State
11 or any other state of an offense that is substantially
12 equivalent to the offense of aggravated criminal
13 sexual assault or the offense of predatory criminal
14 sexual assault of a child shall be sentenced to a term
15 of natural life imprisonment. The commission of the
16 second or subsequent offense is required to have been
17 after the initial conviction for this paragraph (B) to
18 apply. An offender under the age of 18 years at the
19 time of the commission of the offense covered by this
20 subparagraph (B) shall be sentenced under Section
21 5-4.5-105 of the Unified Code of Corrections.

22 (C) A second or subsequent conviction for a
23 violation of paragraph (a)(3) or (a)(4) or under any
24 similar statute of this State or any other state for
25 any offense involving criminal sexual assault that is
26 substantially equivalent to or more serious than the

1 sexual assault prohibited under paragraph (a) (3) or
2 (a) (4) is a Class X felony.

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

4 (720 ILCS 5/11-1.60) (was 720 ILCS 5/12-16)

5 Sec. 11-1.60. Aggravated criminal sexual abuse.

6 (a) A person commits aggravated criminal sexual abuse if
7 that person commits criminal sexual abuse and any of the
8 following aggravating circumstances exist (i) during the
9 commission of the offense or (ii) for purposes of paragraph
10 (7), as part of the same course of conduct as the commission of
11 the offense:

12 (1) the person displays, threatens to use, or uses a
13 dangerous weapon or any other object fashioned or used in
14 a manner that leads the victim, under the circumstances,
15 reasonably to believe that the object is a dangerous
16 weapon;

17 (2) the person causes bodily harm to the victim;

18 (3) the victim is 60 years of age or older;

19 (4) the victim is a person with a physical disability;

20 (5) the person acts in a manner that threatens or
21 endangers the life of the victim or any other person;

22 (6) the person commits the criminal sexual abuse
23 during the course of committing or attempting to commit
24 any other felony; or

25 (7) the person delivers (by injection, inhalation,

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

5 (b) A person commits aggravated criminal sexual abuse if
6 that person commits an act of sexual conduct with a victim who
7 is under 18 years of age and the person is a family member.

8 (c) A person commits aggravated criminal sexual abuse if:

9 (1) that person is 17 years of age or over and: (i)
10 commits an act of sexual conduct with a victim who is under
11 13 years of age; or (ii) commits an act of sexual conduct
12 with a victim who is at least 13 years of age but under 17
13 years of age and the person uses force or threat of force
14 to commit the act; or

15 (2) that person is under 17 years of age and: (i)
16 commits an act of sexual conduct with a victim who is under
17 9 years of age; or (ii) commits an act of sexual conduct
18 with a victim who is at least 9 years of age but under 17
19 years of age and the person uses force or threat of force
20 to commit the act.

21 (d) A person commits aggravated criminal sexual abuse if
22 that person commits an act of sexual penetration or sexual
23 conduct with a victim who is at least 13 years of age but under
24 17 years of age and the person is at least 5 years older than
25 the victim.

26 (e) A person commits aggravated criminal sexual abuse if

1 that person commits an act of sexual conduct with a victim who
2 is a person with a severe or profound intellectual disability.

3 (f) A person commits aggravated criminal sexual abuse if
4 that person commits an act of sexual conduct with a victim who
5 is but under 18 years of age and the person is 17 years of age
6 or over and holds a position of trust, authority, or
7 supervision in relation to the victim.

8 (f-5) A person commits aggravated criminal sexual abuse if
9 that person commits an act of sexual conduct with a victim who
10 is at least 18 years of age but under 22 years of age and is a
11 student attending classes at a public or nonpublic secondary
12 school and the accused held or holds a position of trust,
13 authority, or supervision in relation to the victim in
14 connection with an educational or extracurricular program or
15 activity at the time of the commission of the act, regardless
16 of the location or place of the commission of the act.

17 (g) Sentence. Aggravated criminal sexual abuse for a
18 violation of subsection (a), (b), (c), (d) or (e) of this
19 Section is a Class 2 felony. Aggravated criminal sexual abuse
20 for a violation of subsection (f) or (f-5) of this Section is a
21 Class 1 felony.

22 (Source: P.A. 102-567, eff. 1-1-22.)

23 (720 ILCS 5/11-25)

24 Sec. 11-25. Grooming.

25 (a) A person commits grooming when he or she knowingly

1 uses a computer on-line service, Internet service, local
2 bulletin board service, or any other device capable of
3 electronic data storage or transmission, performs an act in
4 person or by conduct through a third party, or uses written
5 communication to seduce, solicit, lure, or entice, or attempt
6 to seduce, solicit, lure, or entice, a child, a child's
7 guardian, or another person believed by the person to be a
8 child or a child's guardian, to commit any sex offense as
9 defined in Section 2 of the Sex Offender Registration Act, to
10 distribute photographs depicting the sex organs of the child,
11 or to otherwise engage in any unlawful sexual conduct with a
12 child or with another person believed by the person to be a
13 child. As used in this Section, "child" means (i) a person
14 under 17 years of age, or (ii) a person who is at least 17
15 years of age but under 22 years of age and is a student
16 attending classes at a public or nonpublic secondary school.

17 (b) Sentence. Grooming is a Class 4 felony.

18 (Source: P.A. 102-676, eff. 6-1-22.)