

# HB2761



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB2761

Introduced 2/26/2007, by Rep. Michael J. Madigan - Barbara Flynn Currie - Robert S. Molaro

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/3-6

from Ch. 38, par. 3-6

Amends the Criminal Code of 1961. Makes a technical change in a Section concerning extended statutes of limitations.

LRB095 00966 RLC 20968 b

A BILL FOR

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 1961 is amended by changing  
5 Section 3-6 as follows:

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

7 Sec. 3-6. Extended limitations. ~~The~~ The period within which  
8 a prosecution must be commenced under the provisions of Section  
9 3-5 or other applicable statute is extended under the following  
10 conditions:

11 (a) A prosecution for theft involving a breach of a  
12 fiduciary obligation to the aggrieved person may be commenced  
13 as follows:

14 (1) If the aggrieved person is a minor or a person  
15 under legal disability, then during the minority or legal  
16 disability or within one year after the termination  
17 thereof.

18 (2) In any other instance, within one year after the  
19 discovery of the offense by an aggrieved person, or by a  
20 person who has legal capacity to represent an aggrieved  
21 person or has a legal duty to report the offense, and is  
22 not himself or herself a party to the offense; or in the  
23 absence of such discovery, within one year after the proper

1 prosecuting officer becomes aware of the offense. However,  
2 in no such case is the period of limitation so extended  
3 more than 3 years beyond the expiration of the period  
4 otherwise applicable.

5 (b) A prosecution for any offense based upon misconduct in  
6 office by a public officer or employee may be commenced within  
7 one year after discovery of the offense by a person having a  
8 legal duty to report such offense, or in the absence of such  
9 discovery, within one year after the proper prosecuting officer  
10 becomes aware of the offense. However, in no such case is the  
11 period of limitation so extended more than 3 years beyond the  
12 expiration of the period otherwise applicable.

13 (c) Except as otherwise provided in subsection (a) of  
14 Section 3-5 of this Code and subdivision (i) or (j) of this  
15 Section, a prosecution for any offense involving sexual conduct  
16 or sexual penetration, as defined in Section 12-12 of this  
17 Code, where the victim and defendant are family members, as  
18 defined in Section 12-12 of this Code, may be commenced within  
19 one year of the victim attaining the age of 18 years.

20 (d) A prosecution for child pornography, indecent  
21 solicitation of a child, soliciting for a juvenile prostitute,  
22 juvenile pimping or exploitation of a child may be commenced  
23 within one year of the victim attaining the age of 18 years.  
24 However, in no such case shall the time period for prosecution  
25 expire sooner than 3 years after the commission of the offense.  
26 When the victim is under 18 years of age, a prosecution for

1 criminal sexual abuse may be commenced within one year of the  
2 victim attaining the age of 18 years. However, in no such case  
3 shall the time period for prosecution expire sooner than 3  
4 years after the commission of the offense.

5 (e) Except as otherwise provided in subdivision (j), a  
6 prosecution for any offense involving sexual conduct or sexual  
7 penetration, as defined in Section 12-12 of this Code, where  
8 the defendant was within a professional or fiduciary  
9 relationship or a purported professional or fiduciary  
10 relationship with the victim at the time of the commission of  
11 the offense may be commenced within one year after the  
12 discovery of the offense by the victim.

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

20 (f-5) A prosecution for any offense set forth in Section  
21 16G-15 or 16G-20 of this Code may be commenced within 5 years  
22 after the discovery of the offense by the victim of that  
23 offense.

24 (g) (Blank).

25 (h) (Blank).

26 (i) Except as otherwise provided in subdivision (j), a

1 prosecution for criminal sexual assault, aggravated criminal  
2 sexual assault, or aggravated criminal sexual abuse may be  
3 commenced within 10 years of the commission of the offense if  
4 the victim reported the offense to law enforcement authorities  
5 within 3 years after the commission of the offense.

6 Nothing in this subdivision (i) shall be construed to  
7 shorten a period within which a prosecution must be commenced  
8 under any other provision of this Section.

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

18 Nothing in this subdivision (j) shall be construed to  
19 shorten a period within which a prosecution must be commenced  
20 under any other provision of this Section.

21 (Source: P.A. 93-356, eff. 7-24-03; 94-253, eff. 1-1-06;  
22 94-990, eff. 1-1-07.)