



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB1397

Introduced 2/9/2007, by Sen. Don Harmon

SYNOPSIS AS INTRODUCED:

720 ILCS 5/3-6

from Ch. 38, par. 3-6

Amends the Criminal Code of 1961. Provides that a prosecution for criminal sexual assault, aggravated criminal sexual assault, or aggravated criminal sexual abuse may be commenced at any time if the victim submitted to an evidentiary medical examination within 72 hours after the commission of the offense, and reported the offense to law enforcement authorities within 120 hours after the commission of the offense. Provides that evidentiary examinations performed under this provision, together with the preservation of evidence and information derived therefrom, shall be performed according to procedures and standards that the Department of State Police shall by rule create. Provides that the Director of State Police shall promulgate all rules necessary to carry out the purposes of this provision.

LRB095 11053 RLC 31376 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 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 period within which a
8 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 (i-5) A prosecution for criminal sexual assault,
10 aggravated criminal sexual assault, or aggravated criminal
11 sexual abuse may be commenced at any time if the victim
12 submitted to an evidentiary medical examination within 72 hours
13 after the commission of the offense, and reported the offense
14 to law enforcement authorities within 120 hours after the
15 commission of the offense. Evidentiary examinations performed
16 hereunder, together with the preservation of evidence and
17 information derived therefrom, shall be performed according to
18 procedures and standards that the Department of State Police
19 shall by rule create. The Director of State Police shall
20 promulgate all rules necessary to carry out the purposes of
21 this subdivision (i-5), including the creation of forms the use
22 of which it may require. Nothing in this subdivision (i-5)
23 shall be construed to shorten a period within which a
24 prosecution must be commenced under any other provision of this
25 Section.

26 (j) When the victim is under 18 years of age at the time of

1 the offense, a prosecution for criminal sexual assault,
2 aggravated criminal sexual assault, predatory criminal sexual
3 assault of a child, or aggravated criminal sexual abuse or a
4 prosecution for failure of a person who is required to report
5 an alleged or suspected commission of any of these offenses
6 under the Abused and Neglected Child Reporting Act may be
7 commenced within 20 years after the child victim attains 18
8 years of age.

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

12 (Source: P.A. 93-356, eff. 7-24-03; 94-253, eff. 1-1-06;
13 94-990, eff. 1-1-07.)