



Sen. Don Harmon

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09500SB1397sam001

LRB095 11053 RLC 33303 a

1 AMENDMENT TO SENATE BILL 1397

2 AMENDMENT NO. _____. Amend Senate Bill 1397 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 1961 is amended by
5 changing 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

1 thereof.

2 (2) In any other instance, within one year after the
3 discovery of the offense by an aggrieved person, or by a
4 person who has legal capacity to represent an aggrieved
5 person or has a legal duty to report the offense, and is
6 not himself or herself a party to the offense; or in the
7 absence of such discovery, within one year after the proper
8 prosecuting officer becomes aware of the offense. However,
9 in no such case is the period of limitation so extended
10 more than 3 years beyond the expiration of the period
11 otherwise applicable.

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

20 (c) Except as otherwise provided in subsection (a) of
21 Section 3-5 of this Code and subdivision (i) or (j) of this
22 Section, a prosecution for any offense involving sexual conduct
23 or sexual penetration, as defined in Section 12-12 of this
24 Code, where the victim and defendant are family members, as
25 defined in Section 12-12 of this Code, may be commenced within
26 one year of the victim attaining the age of 18 years.

1 (d) A prosecution for child pornography, indecent
2 solicitation of a child, soliciting for a juvenile prostitute,
3 juvenile pimping or exploitation of a child may be commenced
4 within one year of the victim attaining the age of 18 years.
5 However, in no such case shall the time period for prosecution
6 expire sooner than 3 years after the commission of the offense.
7 When the victim is under 18 years of age, a prosecution for
8 criminal sexual abuse may be commenced within one year of the
9 victim attaining the age of 18 years. However, in no such case
10 shall the time period for prosecution expire sooner than 3
11 years after the commission of the offense.

12 (e) Except as otherwise provided in subdivision (j), a
13 prosecution for any offense involving sexual conduct or sexual
14 penetration, as defined in Section 12-12 of this Code, where
15 the defendant was within a professional or fiduciary
16 relationship or a purported professional or fiduciary
17 relationship with the victim at the time of the commission of
18 the offense may be commenced within one year after the
19 discovery of the offense by the victim.

20 (f) A prosecution for any offense set forth in Section 44
21 of the "Environmental Protection Act", approved June 29, 1970,
22 as amended, may be commenced within 5 years after the discovery
23 of such an offense by a person or agency having the legal duty
24 to report the offense or in the absence of such discovery,
25 within 5 years after the proper prosecuting officer becomes
26 aware of the offense.

1 (f-5) A prosecution for any offense set forth in Section
2 16G-15 or 16G-20 of this Code may be commenced within 5 years
3 after the discovery of the offense by the victim of that
4 offense.

5 (g) (Blank).

6 (h) (Blank).

7 (i) Except as otherwise provided in subdivision (j), a
8 prosecution for criminal sexual assault, aggravated criminal
9 sexual assault, or aggravated criminal sexual abuse may be
10 commenced within 10 years of the commission of the offense if
11 the victim reported the offense to law enforcement authorities
12 within 3 years after the commission of the offense.

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

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

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

1 under any other provision of this Section.

2 (Source: P.A. 93-356, eff. 7-24-03; 94-253, eff. 1-1-06;

3 94-990, eff. 1-1-07.)".