



Sen. Michael Noland

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09700HB1263sam001

LRB097 07183 RLC 55372 a

1 AMENDMENT TO HOUSE BILL 1263

2 AMENDMENT NO. _____. Amend House Bill 1263 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 11-1.20 as follows:

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

7 (This Section may contain text from a Public Act with a
8 delayed effective date)

9 Sec. 11-1.20. Criminal Sexual Assault.

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

12 (1) uses force or threat of force;

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

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

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

5 (b) Sentence.

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

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

25 (B) A person who is convicted of the offense of
26 criminal sexual assault as defined in paragraph (a) (1)

1 or (a) (2) after having previously been convicted of the
2 offense of exploitation of a child, criminal sexual
3 assault, aggravated criminal sexual assault or the
4 offense of predatory criminal sexual assault of a
5 child, or who is convicted of the offense of criminal
6 sexual assault as defined in paragraph (a) (1) or (a) (2)
7 after having previously been convicted under the laws
8 of this State or any other state of an offense that is
9 substantially equivalent to the offense of
10 exploitation of a child, criminal sexual assault,
11 aggravated criminal sexual assault or the offense of
12 predatory criminal sexual assault of a child shall be
13 sentenced to a term of natural life imprisonment. The
14 commission of the second or subsequent offense is
15 required to have been after the initial conviction for
16 this paragraph (B) to apply.

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

24 (Source: P.A. 95-640, eff. 6-1-08; 96-1551, eff. 7-1-11.)".