



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB6133

by Rep. John E. Bradley

SYNOPSIS AS INTRODUCED:

720 ILCS 5/11-9.6 new

Amends the Criminal Code of 1961. Creates the offense of continuous sexual abuse of a child. Provides that a person commits the offense when he or she: (1) during a period that is 30 or more days in duration, the person commits 2 or more acts of sexual abuse, regardless of whether the acts of sexual abuse are committed against one or more victims; and (2) at the time of the commission of each of the acts of sexual abuse, the defendant is 17 years of age or older and the victim is a child under 14 years of age. Defines "act of sexual abuse". Establishes restrictions on conviction. Provides that a defendant may not be charged with more than one count of continuous sexual abuse of a child if all of the specific acts of sexual abuse that are alleged to have been committed are alleged to have been committed against a single victim. Establishes an affirmative defense. Provides that continuous sexual abuse of a child is a Class X felony for which the defendant shall be sentenced to a term of imprisonment of not less than 25 years and not more than natural life imprisonment.

LRB097 20677 RLC 66787 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

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 adding
5 Section 11-9.6 as follows:

6 (720 ILCS 5/11-9.6 new)

7 Sec. 11-9.6. Continuous sexual abuse of a child.

8 (a) For the purposes of this Section:

9 "Act of sexual abuse" means any act that is a violation
10 of one or more of the following Sections of the Criminal
11 Code of 1961:

12 (1) aggravated kidnapping under Section 10-2, if
13 the defendant committed the offense with the intent to
14 violate or abuse the victim sexually;

15 (2) criminal sexual assault under Section 11-1.20;

16 (3) aggravated criminal sexual assault under
17 Section 11-1.30;

18 (4) predatory criminal sexual assault of a child
19 under Section Section 11-1.40;

20 (5) criminal sexual abuse under Section 11-1.50,
21 if the defendant committed the offense in a manner
22 other than by touching, including touching through
23 clothing, the breast of a child;

1 (6) aggravated criminal sexual abuse under Section
2 11-1.60;

3 (7) child pornography or aggravated child
4 pornography under paragraph (3) of subsection (a) of
5 Section 11-20.1 or under paragraph (3) of subsection
6 (a) of Section 11-20.1B; and

7 (8) home invasion under Section 12-11 or
8 residential burglary under Section 19-3, if the
9 defendant committed the offense with the intent to
10 commit an offense listed in paragraphs (1) through (7).

11 (b) A person commits continuous sexual abuse of a child
12 when he or she:

13 (1) during a period that is 30 or more days in
14 duration, the person commits 2 or more acts of sexual
15 abuse, regardless of whether the acts of sexual abuse are
16 committed against one or more victims; and

17 (2) at the time of the commission of each of the acts
18 of sexual abuse, the defendant is 17 years of age or older
19 and the victim is a child under 14 years of age.

20 (c) The prosecution is not required to prove which specific
21 acts of sexual abuse were committed by the defendant or the
22 exact date when those acts were committed, but the prosecution
23 must prove that the defendant, during a period that is 30 or
24 more days in duration, committed 2 or more acts of sexual
25 abuse.

26 (d) A defendant may not be convicted in the same criminal

1 action of an offense listed under subsection (a) the victim of
2 which is the same victim as a victim of the offense alleged
3 under subsection (b) unless the offense listed in subsection
4 (a):

5 (1) is charged in the alternative;

6 (2) occurred outside the period in which the offense
7 alleged under subsection (b) was committed; or

8 (3) is considered by the trier of fact to be a lesser
9 included offense of the offense alleged under subsection
10 (b).

11 (e) A defendant may not be charged with more than one count
12 under subsection (b) if all of the specific acts of sexual
13 abuse that are alleged to have been committed are alleged to
14 have been committed against a single victim.

15 (f) It is an affirmative defense to prosecution under this
16 Section that the defendant:

17 (1) was not more than 5 years older than:

18 (A) the victim of the offense, if the offense is
19 alleged to have been committed against only one victim;

20 or

21 (B) the youngest victim of the offense, if the
22 offense is alleged to have been committed against more
23 than one victim;

24 (2) did not use duress, force or threat of force
25 against a victim at the time of the commission of any of
26 the acts of sexual abuse alleged as an element of the

1 offense; and

2 (3) at the time of the commission of any of the acts of
3 sexual abuse alleged as an element of the offense:

4 (A) was not required under the Sex Offender
5 Registration Act to register for life as a sex
6 offender; or

7 (B) was not a person who under the Sex Offender
8 Registration Act had a reportable conviction or
9 adjudication for an offense under this Section or an
10 act of sexual abuse as described by subsection (a).

11 (g) Sentence. Continuous sexual abuse of a child is a Class
12 X felony for which the defendant shall be sentenced to a term
13 of imprisonment of not less than 25 years and not more than
14 natural life imprisonment.