



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB1063

by Rep. Charles E. Jefferson

SYNOPSIS AS INTRODUCED:

720 ILCS 5/3-5
720 ILCS 5/3-6

from Ch. 38, par. 3-5
from Ch. 38, par. 3-6

Amends the Criminal Code of 2012. Provides that a prosecution for any sex offense may be commenced at any time if the victim was under 18 years of age at the time of the offense.

LRB098 03415 RLC 33430 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 2012 is amended by changing
5 Sections 3-5 and 3-6 as follows:

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

7 Sec. 3-5. General Limitations.

8 (a) A prosecution for: (1) first degree murder, attempt to
9 commit first degree murder, second degree murder, involuntary
10 manslaughter, reckless homicide, leaving the scene of a motor
11 vehicle accident involving death or personal injuries under
12 Section 11-401 of the Illinois Vehicle Code, failing to give
13 information and render aid under Section 11-403 of the Illinois
14 Vehicle Code, concealment of homicidal death, treason, arson,
15 aggravated arson, forgery, child pornography under paragraph
16 (1) of subsection (a) of Section 11-20.1, aggravated child
17 pornography under paragraph (1) of subsection (a) of Section
18 11-20.1B, ~~or~~ (2) any offense involving sexual conduct or sexual
19 penetration, as defined by Section 11-0.1 of this Code in which
20 the DNA profile of the offender is obtained and entered into a
21 DNA database within 10 years after the commission of the
22 offense, or (3) any offense: (A) under Article 11 of the
23 Criminal Code of 1961 or the Criminal Code of 2012 or (B)

1 criminal sexual assault, aggravated criminal sexual assault,
2 predatory criminal sexual assault of a child, aggravated
3 criminal sexual abuse, or criminal sexual abuse when the victim
4 of any of the offenses listed in clause (A) or (B) of this
5 paragraph (3) was under 18 years of age at the time of the
6 offense, may be commenced at any time. Clause (2) of this
7 subsection (a) applies if either: (i) the victim reported the
8 offense to law enforcement authorities within 3 years after the
9 commission of the offense unless a longer period for reporting
10 the offense to law enforcement authorities is provided in
11 Section 3-6 or (ii) the victim is murdered during the course of
12 the offense or within 2 years after the commission of the
13 offense.

14 (b) Unless the statute describing the offense provides
15 otherwise, or the period of limitation is extended by Section
16 3-6, a prosecution for any offense not designated in Subsection
17 (a) must be commenced within 3 years after the commission of
18 the offense if it is a felony, or within one year and 6 months
19 after its commission if it is a misdemeanor.

20 (Source: P.A. 95-899, eff. 1-1-09; 96-292, eff. 1-1-10;
21 96-1551, eff. 7-1-11.)

22 (720 ILCS 5/3-6) (from Ch. 38, par. 3-6)

23 Sec. 3-6. Extended limitations. The period within which a
24 prosecution must be commenced under the provisions of Section
25 3-5 or other applicable statute is extended under the following

1 conditions:

2 (a) A prosecution for theft involving a breach of a
3 fiduciary obligation to the aggrieved person may be commenced
4 as follows:

5 (1) If the aggrieved person is a minor or a person
6 under legal disability, then during the minority or legal
7 disability or within one year after the termination
8 thereof.

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

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

1 (b-5) When the victim is under 18 years of age at the time
2 of the offense, a prosecution for involuntary servitude,
3 involuntary sexual servitude of a minor, or trafficking in
4 persons and related offenses under Section 10-9 of this Code
5 may be commenced within one year of the victim attaining the
6 age of 18 years. However, in no such case shall the time period
7 for prosecution expire sooner than 3 years after the commission
8 of the offense.

9 (c) (Blank).

10 (d) (Blank). ~~A prosecution for child pornography,~~
11 ~~aggravated child pornography, indecent solicitation of a~~
12 ~~child, soliciting for a juvenile prostitute, juvenile pimping,~~
13 ~~exploitation of a child, or promoting juvenile prostitution~~
14 ~~except for keeping a place of juvenile prostitution may be~~
15 ~~commenced within one year of the victim attaining the age of 18~~
16 ~~years. However, in no such case shall the time period for~~
17 ~~prosecution expire sooner than 3 years after the commission of~~
18 ~~the offense. When the victim is under 18 years of age, a~~
19 ~~prosecution for criminal sexual abuse may be commenced within~~
20 ~~one year of the victim attaining the age of 18 years. However,~~
21 ~~in no such case shall the time period for prosecution expire~~
22 ~~sooner than 3 years after the commission of the offense.~~

23 (e) Except as otherwise provided in subdivision (j), a
24 prosecution for any offense involving sexual conduct or sexual
25 penetration, as defined in Section 11-0.1 of this Code, where
26 the defendant was within a professional or fiduciary

1 relationship or a purported professional or fiduciary
2 relationship with the victim at the time of the commission of
3 the offense may be commenced within one year after the
4 discovery of the offense by the victim.

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

12 (f-5) A prosecution for any offense set forth in Section
13 16-30 of this Code may be commenced within 5 years after the
14 discovery of the offense by the victim of that offense.

15 (g) (Blank).

16 (h) (Blank).

17 (i) Except as otherwise provided in subdivision (j), a
18 prosecution for criminal sexual assault, aggravated criminal
19 sexual assault, or aggravated criminal sexual abuse may be
20 commenced within 10 years of the commission of the offense if
21 the victim reported the offense to law enforcement authorities
22 within 3 years after the commission of the offense.

23 Nothing in this subdivision (i) shall be construed to
24 shorten a period within which a prosecution must be commenced
25 under any other provision of this 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, aggravated criminal sexual abuse, or felony~~
4 ~~criminal sexual abuse, or~~ a prosecution for failure of a person
5 who is required to report an alleged or suspected commission of
6 criminal sexual assault, aggravated criminal sexual assault,
7 predatory criminal sexual assault of a child, aggravated
8 criminal sexual abuse, or felony criminal sexual abuse ~~any of~~
9 ~~these offenses~~ under the Abused and Neglected Child Reporting
10 Act may be commenced within 20 years after the child victim
11 attains 18 years of age. ~~When the victim is under 18 years of~~
12 ~~age at the time of the offense, a prosecution for misdemeanor~~
13 ~~criminal sexual abuse may be commenced within 10 years after~~
14 ~~the child victim attains 18 years of age.~~

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

18 (k) A prosecution for theft involving real property
19 exceeding \$100,000 in value under Section 16-1, identity theft
20 under subsection (a) of Section 16-30, aggravated identity
21 theft under subsection (b) of Section 16-30, or any offense set
22 forth in Article 16H or Section 17-10.6 may be commenced within
23 7 years of the last act committed in furtherance of the crime.

24 (Source: P.A. 96-233, eff. 1-1-10; 96-1551, Article 2, Section
25 1035, eff. 7-1-11; 96-1551, Article 10, Section 10-140, eff.
26 7-1-11; 97-597, eff. 1-1-12; 97-897, eff. 1-1-13.)