



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB3506

by Rep. Anna Moeller

SYNOPSIS AS INTRODUCED:

720 ILCS 5/11-1.40
720 ILCS 5/11-1.60

was 720 ILCS 5/12-14.1
was 720 ILCS 5/12-16

Amends the Criminal Code of 2012. Increases the minimum penalty for predatory criminal sexual assault of a child from 6 years to 30 years. Provides that the penalty for aggravated criminal sexual abuse in which the accused is at least 17 years of age at the time of the offense and the victim under 17 years of age at the time of the offense is a Class X felony (currently, a Class 2 felony).

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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 2012 is amended by changing
5 Sections 11-1.40 and 11-1.60 as follows:

6 (720 ILCS 5/11-1.40) (was 720 ILCS 5/12-14.1)

7 Sec. 11-1.40. Predatory criminal sexual assault of a child.

8 (a) A person commits predatory criminal sexual assault of a
9 child if that person is 17 years of age or older, and commits
10 an act of contact, however slight, between the sex organ or
11 anus of one person and the part of the body of another for the
12 purpose of sexual gratification or arousal of the victim or the
13 accused, or an act of sexual penetration, and:

14 (1) the victim is under 13 years of age; or

15 (2) the victim is under 13 years of age and that
16 person:

17 (A) is armed with a firearm;

18 (B) personally discharges a firearm during the
19 commission of the offense;

20 (C) causes great bodily harm to the victim that:

21 (i) results in permanent disability; or

22 (ii) is life threatening; or

23 (D) delivers (by injection, inhalation, ingestion,

1 transfer of possession, or any other means) any
2 controlled substance to the victim without the
3 victim's consent or by threat or deception, for other
4 than medical purposes.

5 (b) Sentence.

6 (1) A person convicted of a violation of subsection
7 (a) (1) commits a Class X felony, for which the person shall
8 be sentenced to a term of imprisonment of not less than 30
9 ~~6~~ years and not more than 60 years. A person convicted of a
10 violation of subsection (a) (2) (A) commits a Class X felony
11 for which 15 years shall be added to the term of
12 imprisonment imposed by the court. A person convicted of a
13 violation of subsection (a) (2) (B) commits a Class X felony
14 for which 20 years shall be added to the term of
15 imprisonment imposed by the court. A person convicted of a
16 violation of subsection (a) (2) (C) commits a Class X felony
17 for which the person shall be sentenced to a term of
18 imprisonment of not less than 50 years or up to a term of
19 natural life imprisonment.

20 (1.1) A person convicted of a violation of subsection
21 (a) (2) (D) commits a Class X felony for which the person
22 shall be sentenced to a term of imprisonment of not less
23 than 50 years and not more than 60 years.

24 (1.2) A person convicted of predatory criminal sexual
25 assault of a child committed against 2 or more persons
26 regardless of whether the offenses occurred as the result

1 of the same act or of several related or unrelated acts
2 shall be sentenced to a term of natural life imprisonment.

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

19 (Source: P.A. 98-370, eff. 1-1-14; 98-756, eff. 7-16-14;
20 98-903, eff. 8-15-14.)

21 (720 ILCS 5/11-1.60) (was 720 ILCS 5/12-16)

22 Sec. 11-1.60. Aggravated Criminal Sexual Abuse.

23 (a) A person commits aggravated criminal sexual abuse if
24 that person commits criminal sexual abuse and any of the
25 following aggravating circumstances exist (i) during the

1 commission of the offense or (ii) for purposes of paragraph
2 (7), as part of the same course of conduct as the commission of
3 the offense:

4 (1) the person displays, threatens to use, or uses a
5 dangerous weapon or any other object fashioned or used in a
6 manner that leads the victim, under the circumstances,
7 reasonably to believe that the object is a dangerous
8 weapon;

9 (2) the person causes bodily harm to the victim;

10 (3) the victim is 60 years of age or older;

11 (4) the victim is a physically handicapped person;

12 (5) the person acts in a manner that threatens or
13 endangers the life of the victim or any other person;

14 (6) the person commits the criminal sexual abuse during
15 the course of committing or attempting to commit any other
16 felony; or

17 (7) the person delivers (by injection, inhalation,
18 ingestion, transfer of possession, or any other means) any
19 controlled substance to the victim for other than medical
20 purposes without the victim's consent or by threat or
21 deception.

22 (b) A person commits aggravated criminal sexual abuse if
23 that person commits an act of sexual conduct with a victim who
24 is under 18 years of age and the person is a family member.

25 (c) A person commits aggravated criminal sexual abuse if:

26 (1) that person is 17 years of age or over and: (i)

1 commits an act of sexual conduct with a victim who is under
2 13 years of age; or (ii) commits an act of sexual conduct
3 with a victim who is at least 13 years of age but under 17
4 years of age and the person uses force or threat of force
5 to commit the act; or

6 (2) that person is under 17 years of age and: (i)
7 commits an act of sexual conduct with a victim who is under
8 9 years of age; or (ii) commits an act of sexual conduct
9 with a victim who is at least 9 years of age but under 17
10 years of age and the person uses force or threat of force
11 to commit the act.

12 (d) A person commits aggravated criminal sexual abuse if
13 that person commits an act of sexual penetration or sexual
14 conduct with a victim who is at least 13 years of age but under
15 17 years of age and the person is at least 5 years older than
16 the victim.

17 (e) A person commits aggravated criminal sexual abuse if
18 that person commits an act of sexual conduct with a victim who
19 is a severely or profoundly intellectually disabled person.

20 (f) A person commits aggravated criminal sexual abuse if
21 that person commits an act of sexual conduct with a victim who
22 is at least 13 years of age but under 18 years of age and the
23 person is 17 years of age or over and holds a position of
24 trust, authority, or supervision in relation to the victim.

25 (g) Sentence. Aggravated criminal sexual abuse is a Class 2
26 felony, except that if the accused is at least 17 years of age

1 at the time of the offense and the victim is under 17 years of
2 age at the time of the offense, aggravated criminal sexual
3 abuse is a Class X felony.

4 (Source: P.A. 96-1551, eff. 7-1-11; incorporates 97-227, eff.
5 1-1-12; 97-1109, eff. 1-1-13.)