

# SB3081



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

SB3081

Introduced 2/19/2016, by Sen. Jennifer Bertino-Tarrant

#### 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 financial exploitation of an elderly person or a person with a disability may be commenced within 7 years of the last act committed in furtherance of the offense.

LRB099 19724 RLC 44122 b

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 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 residential arson, aggravated arson, forgery, child  
16 pornography under paragraph (1) of subsection (a) of Section  
17 11-20.1, aggravated child pornography under paragraph (1) of  
18 subsection (a) of Section 11-20.1B, or (2) any offense  
19 involving sexual conduct or sexual penetration, as defined by  
20 Section 11-0.1 of this Code in which the DNA profile of the  
21 offender is obtained and entered into a DNA database within 10  
22 years after the commission of the offense, may be commenced at  
23 any time. Clause (2) of this subsection (a) applies if either:

1 (i) the victim reported the offense to law enforcement  
2 authorities within 3 years after the commission of the offense  
3 unless a longer period for reporting the offense to law  
4 enforcement authorities is provided in Section 3-6 or (ii) the  
5 victim is murdered during the course of the offense or within 2  
6 years after the commission of the offense.

7 (a-5) A prosecution for theft involving real of property  
8 exceeding \$100,000 in value under Section 16-1, identity theft  
9 under subsection (a) of Section 16-30, aggravated identity  
10 theft under subsection (b) of Section 16-30, any offense set  
11 forth under Section 17-56, or any offense set forth in Article  
12 16H or Section 17-10.6 of this Code may be commenced within 7  
13 years of the last act committed in furtherance of the 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 ~~subsection~~ (a) or (a-5) must be commenced within 3 years after  
18 the commission of the offense if it is a felony, or within one  
19 year and 6 months after its commission if it is a misdemeanor.

20 (Source: P.A. 98-265, eff. 1-1-14.)

21 (720 ILCS 5/3-6) (from Ch. 38, par. 3-6)

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

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

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

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

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

26           (b-5) When the victim is under 18 years of age at the time

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

8 (c) (Blank).

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

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

1 relationship with the victim at the time of the commission of  
2 the offense may be commenced within one year after the  
3 discovery of the offense by the victim.

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

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

14 (g) (Blank).

15 (h) (Blank).

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

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

25 (i-5) A prosecution for armed robbery, home invasion,  
26 kidnapping, or aggravated kidnaping may be commenced within 10

1 years of the commission of the offense if it arises out of the  
2 same course of conduct and meets the criteria under one of the  
3 offenses in subsection (i) of this Section.

4 (j) (1) When the victim is under 18 years of age at the  
5 time of the offense, a prosecution for criminal sexual assault,  
6 aggravated criminal sexual assault, predatory criminal sexual  
7 assault of a child, aggravated criminal sexual abuse, or felony  
8 criminal sexual abuse may be commenced at any time when  
9 corroborating physical evidence is available or an individual  
10 who is required to report an alleged or suspected commission of  
11 any of these offenses under the Abused and Neglected Child  
12 Reporting Act fails to do so.

13 (2) In circumstances other than as described in paragraph  
14 (1) of this subsection (j), when the victim is under 18 years  
15 of age at the time of the offense, a prosecution for criminal  
16 sexual assault, aggravated criminal sexual assault, predatory  
17 criminal sexual assault of a child, aggravated criminal sexual  
18 abuse, or felony criminal sexual abuse, or a prosecution for  
19 failure of a person who is required to report an alleged or  
20 suspected commission of any of these offenses under the Abused  
21 and Neglected Child Reporting Act may be commenced within 20  
22 years after the child victim attains 18 years of age.

23 (3) When the victim is under 18 years of age at the time of  
24 the offense, a prosecution for misdemeanor criminal sexual  
25 abuse may be commenced within 10 years after the child victim  
26 attains 18 years of age.

1 (4) Nothing in this subdivision (j) shall be construed to  
2 shorten a period within which a prosecution must be commenced  
3 under any other provision of this Section.

4 (j-5) A prosecution for armed robbery, home invasion,  
5 kidnapping, or aggravated kidnaping may be commenced at any  
6 time if it arises out of the same course of conduct and meets  
7 the criteria under one of the offenses in subsection (j) of  
8 this Section.

9 (k) (Blank). ~~A prosecution for theft involving real~~  
10 ~~property exceeding \$100,000 in value under Section 16-1,~~  
11 ~~identity theft under subsection (a) of Section 16-30,~~  
12 ~~aggravated identity theft under subsection (b) of Section~~  
13 ~~16-30, or any offense set forth in Article 16H or Section~~  
14 ~~17-10.6 may be commenced within 7 years of the last act~~  
15 ~~committed in furtherance of the crime.~~

16 (l) A prosecution for any offense set forth in Section 26-4  
17 of this Code may be commenced within one year after the  
18 discovery of the offense by the victim of that offense.

19 (Source: P.A. 98-293, eff. 1-1-14; 98-379, eff. 1-1-14; 98-756,  
20 eff. 7-16-14; 99-234, eff. 8-3-15.)