



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB2435

by Rep. Keith R. Wheeler

SYNOPSIS AS INTRODUCED:

720 ILCS 5/3-6

from Ch. 38, par. 3-6

Amends the Criminal Code of 2012. Provides that when the victim is under 18 years of age at the time of the offense, a prosecution for criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, aggravated criminal sexual abuse, or felony criminal sexual abuse may be commenced at any time regardless as to whether corroborating physical evidence is available or an individual who is required to report an alleged or suspected commission of any of these offenses under the Abused and Neglected Child Reporting Act fails to do so. Provides that a prosecution for failure of a person who is required to report an alleged or suspected commission of any of these offenses under the Abused and Neglected Child Reporting Act may be commenced at any time (rather than within 20 years after the victim attains 18 years of age). Provides that when the victim is under 18 years of age at the time of the offense, a prosecution for misdemeanor criminal sexual abuse may be commenced within 20 (rather than 10) years after the child victim attains 18 years of age. Makes conforming changes.

LRB100 08364 RLC 18473 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 2012 is amended by changing
5 Section 3-6 as follows:

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

7 Sec. 3-6. Extended limitations. The period within which a
8 prosecution must be commenced under the provisions of Section
9 3-5 or other applicable statute is extended under the following
10 conditions:

11 (a) A prosecution for theft involving a breach of a
12 fiduciary obligation to the aggrieved person may be commenced
13 as follows:

14 (1) If the aggrieved person is a minor or a person
15 under legal disability, then during the minority or legal
16 disability or within one year after the termination
17 thereof.

18 (2) In any other instance, within one year after the
19 discovery of the offense by an aggrieved person, or by a
20 person who has legal capacity to represent an aggrieved
21 person or has a legal duty to report the offense, and is
22 not himself or herself a party to the offense; or in the
23 absence of such discovery, within one year after the proper

1 prosecuting officer becomes aware of the offense. However,
2 in no such case is the period of limitation so extended
3 more than 3 years beyond the expiration of the period
4 otherwise applicable.

5 (b) A prosecution for any offense based upon misconduct in
6 office by a public officer or employee may be commenced within
7 one year after discovery of the offense by a person having a
8 legal duty to report such offense, or in the absence of such
9 discovery, within one year after the proper prosecuting officer
10 becomes aware of the offense. However, in no such case is the
11 period of limitation so extended more than 3 years beyond the
12 expiration of the period otherwise applicable.

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

21 (c) (Blank).

22 (d) A prosecution for child pornography, aggravated child
23 pornography, indecent solicitation of a child, soliciting for a
24 juvenile prostitute, juvenile pimping, exploitation of a
25 child, or promoting juvenile prostitution except for keeping a
26 place of juvenile prostitution may be commenced within one year

1 of the victim attaining the age of 18 years. However, in no
2 such case shall the time period for prosecution expire sooner
3 than 3 years after the commission of the offense. ~~When the~~
4 ~~victim is under 18 years of age, a prosecution for criminal~~
5 ~~sexual abuse may be commenced within one year of the victim~~
6 ~~attaining the age of 18 years. However, in no such case shall~~
7 ~~the time period for prosecution expire sooner than 3 years~~
8 ~~after the commission of the offense.~~

9 (e) Except as otherwise provided in subdivision (j), a
10 prosecution for any offense involving sexual conduct or sexual
11 penetration, as defined in Section 11-0.1 of this Code, where
12 the defendant was within a professional or fiduciary
13 relationship or a purported professional or fiduciary
14 relationship with the victim at the time of the commission of
15 the offense may be commenced within one year after the
16 discovery of the offense by the victim.

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

24 (f-5) A prosecution for any offense set forth in Section
25 16-30 of this Code may be commenced within 5 years after the
26 discovery of the offense by the victim of that offense.

1 (g) (Blank).

2 (h) (Blank).

3 (i) Except as otherwise provided in subdivision (j), a
4 prosecution for criminal sexual assault, aggravated criminal
5 sexual assault, or aggravated criminal sexual abuse may be
6 commenced within 10 years of the commission of the offense if
7 the victim reported the offense to law enforcement authorities
8 within 3 years after the commission of the offense.

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

12 (i-5) A prosecution for armed robbery, home invasion,
13 kidnapping, or aggravated kidnaping may be commenced within 10
14 years of the commission of the offense if it arises out of the
15 same course of conduct and meets the criteria under one of the
16 offenses in subsection (i) of this Section.

17 (j) (1) When the victim is under 18 years of age at the
18 time of the offense, a prosecution for criminal sexual assault,
19 aggravated criminal sexual assault, predatory criminal sexual
20 assault of a child, aggravated criminal sexual abuse, ~~or~~ felony
21 criminal sexual abuse, or failure of a person who is required
22 to report an alleged or suspected commission of any of these
23 offenses under the Abused and Neglected Child Reporting Act may
24 be commenced at any time ~~when corroborating physical evidence~~
25 ~~is available or an individual who is required to report an~~
26 ~~alleged or suspected commission of any of these offenses under~~

1 ~~the Abused and Neglected Child Reporting Act fails to do so.~~

2 (2) (Blank). ~~In circumstances other than as described in~~
3 ~~paragraph (1) of this subsection (j), when the victim is under~~
4 ~~18 years of age at the time of the offense, a prosecution for~~
5 ~~criminal sexual assault, aggravated criminal sexual assault,~~
6 ~~predatory criminal sexual assault of a child, aggravated~~
7 ~~criminal sexual abuse, or felony criminal sexual abuse, or a~~
8 ~~prosecution for failure of a person who is required to report~~
9 ~~an alleged or suspected commission of any of these offenses~~
10 ~~under the Abused and Neglected Child Reporting Act may be~~
11 ~~commenced within 20 years after the child victim attains 18~~
12 ~~years of age.~~

13 (3) When the victim is under 18 years of age at the time of
14 the offense, a prosecution for misdemeanor criminal sexual
15 abuse may be commenced within 20 ~~10~~ years after the child
16 victim attains 18 years of age.

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

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

25 (k) (Blank).

26 (l) A prosecution for any offense set forth in Section 26-4

1 of this Code may be commenced within one year after the
2 discovery of the offense by the victim of that offense.

3 (Source: P.A. 98-293, eff. 1-1-14; 98-379, eff. 1-1-14; 98-756,
4 eff. 7-16-14; 99-234, eff. 8-3-15; 99-820, eff. 8-15-16.)