

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
5 changing 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
10 following 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

1 proper prosecuting officer becomes aware of the offense.

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

13 (b-5) (1) When the victim is under 18 years of age at the
14 time 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 25 years of the victim attaining the
18 age of 18 years.

19 (2) When the victim is under 18 years of age at the time of
20 the offense, a prosecution for involuntary servitude,
21 involuntary sexual servitude of a minor, or trafficking in
22 persons and related offenses under Section 10-9 of this Code
23 may be commenced at any time. This paragraph (2) applies to
24 prosecutions for such conduct arising on or after the
25 effective date of this amendatory Act of the 104th General
26 Assembly.

1 (b-6) When the victim is 18 years of age or over at the
2 time 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 25 years after the commission of the
6 offense.

7 (b-7) When the victim is under 18 years of age at the time
8 of the offense, a prosecution for female genital mutilation
9 may be commenced at any time.

10 (c) (Blank).

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

19 (e) Except as otherwise provided in subdivision (j), a
20 prosecution for any offense involving sexual conduct or sexual
21 penetration, as defined in Section 11-0.1 of this Code, where
22 the defendant was within a professional or fiduciary
23 relationship or a purported professional or fiduciary
24 relationship with the victim at the time of the commission of
25 the offense may be commenced within one year after the
26 discovery of the offense by the victim.

1 (f) A prosecution for any offense set forth in Section 44
2 of the Environmental Protection Act may be commenced within 5
3 years after the discovery of such an offense by a person or
4 agency having the legal duty to report the offense or in the
5 absence of such discovery, within 5 years after the proper
6 prosecuting officer becomes aware of the offense.

7 (f-5) A prosecution for any offense set forth in Section
8 16-30 of this Code may be commenced within 5 years after the
9 discovery of the offense by the victim of that offense.

10 (g) (Blank).

11 (h) (Blank).

12 (i) Except as otherwise provided in subdivision (j), a
13 prosecution for criminal sexual assault, aggravated criminal
14 sexual assault, or aggravated criminal sexual abuse may be
15 commenced at any time. If the victim consented to the
16 collection of evidence using an Illinois State Police Sexual
17 Assault Evidence Collection Kit under the Sexual Assault
18 Survivors Emergency Treatment Act, it shall constitute
19 reporting for purposes of this Section.

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

23 (i-5) A prosecution for armed robbery, home invasion,
24 kidnapping, or aggravated kidnapping may be commenced within 10
25 years of the commission of the offense if it arises out of the
26 same course of conduct and meets the criteria under one of the

1 offenses in subsection (i) of this Section.

2 (j) (1) When the victim is under 18 years of age at the
3 time of the offense, a prosecution for criminal sexual
4 assault, aggravated criminal sexual assault, predatory
5 criminal sexual assault of a child, aggravated criminal sexual
6 abuse, felony criminal sexual abuse, or female genital
7 mutilation may be commenced at any time.

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

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

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

25 (j-5) A prosecution for armed robbery, home invasion,
26 kidnapping, or aggravated kidnaping may be commenced at any

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

4 (k) (Blank).

5 (l) A prosecution for any offense set forth in Section
6 26-4 of this Code may be commenced within one year after the
7 discovery of the offense by the victim of that offense.

8 (l-5) A prosecution for any offense involving sexual
9 conduct or sexual penetration, as defined in Section 11-0.1 of
10 this Code, in which the victim was 18 years of age or older at
11 the time of the offense, may be commenced within one year after
12 the discovery of the offense by the victim when corroborating
13 physical evidence is available. The charging document shall
14 state that the statute of limitations is extended under this
15 subsection (l-5) and shall state the circumstances justifying
16 the extension. Nothing in this subsection (l-5) shall be
17 construed to shorten a period within which a prosecution must
18 be commenced under any other provision of this Section or
19 Section 3-5 of this Code.

20 (m) The prosecution shall not be required to prove at
21 trial facts which extend the general limitations in Section
22 3-5 of this Code when the facts supporting extension of the
23 period of general limitations are properly pled in the
24 charging document. Any challenge relating to the extension of
25 the general limitations period as defined in this Section
26 shall be exclusively conducted under Section 114-1 of the Code

1 of Criminal Procedure of 1963.

2 (n) A prosecution for any offense set forth in subsection
3 (a), (b), or (c) of Section 8A-3 or Section 8A-13 of the
4 Illinois Public Aid Code, in which the total amount of money
5 involved is \$5,000 or more, including the monetary value of
6 food stamps and the value of commodities under Section 16-1 of
7 this Code may be commenced within 5 years of the last act
8 committed in furtherance of the offense.

9 (o) A prosecution for any offense based upon fraudulent
10 activity connected to COVID-19-related relief programs, to
11 include the Paycheck Protection Program, COVID-19 Economic
12 Injury Disaster Loan Program, and the Unemployment Benefit
13 Programs shall be commenced within 5 years after discovery of
14 the offense by a person having a legal duty to report such
15 offense, or in the absence of such discovery, within 5 years
16 after the proper prosecuting officer becomes aware of the
17 offense. However, in no such case is the period of limitation
18 so extended more than 10 years beyond the expiration of the
19 period otherwise applicable.

20 (Source: P.A. 102-558, eff. 8-20-21; 103-184, eff. 1-1-24.)