

HB5817



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB5817

by Rep. Natalie A. Manley

SYNOPSIS AS INTRODUCED:

720 ILCS 5/3-6
720 ILCS 5/12-34

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 female genital mutilation may be commenced at any time. Provides that a parent, guardian, or other person having physical custody or control of a child who knowingly facilitates or permits the circumcision, excision, or infibulation, in whole or in part, of the labia majora, labia minora, or clitoris of the child commits female genital mutilation. Provides that a violation is a Class X felony.

LRB100 19572 RLC 34841 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 Sections 3-6 and 12-34 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 25 years of the victim attaining the
18 age of 18 years.

19 (b-6) When the victim is under 18 years of age at the time
20 of the offense, a prosecution for female genital mutilation may
21 be commenced at any time.

22 (c) (Blank).

23 (d) A prosecution for child pornography, aggravated child
24 pornography, indecent solicitation of a child, soliciting for a
25 juvenile prostitute, juvenile pimping, exploitation of a
26 child, or promoting juvenile prostitution except for keeping a

1 place of juvenile prostitution may be commenced within one year
2 of the victim attaining the age of 18 years. However, in no
3 such case shall the time period for prosecution expire sooner
4 than 3 years after the commission of the offense.

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

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

20 (f-5) A prosecution for any offense set forth in Section
21 16-30 of this Code may be commenced within 5 years after the
22 discovery of the offense by the victim of that offense.

23 (g) (Blank).

24 (h) (Blank).

25 (i) Except as otherwise provided in subdivision (j), a
26 prosecution for criminal sexual assault, aggravated criminal

1 sexual assault, or aggravated criminal sexual abuse may be
2 commenced within 10 years of the commission of the offense if
3 the victim reported the offense to law enforcement authorities
4 within 3 years after the commission of the offense.

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

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

13 (j) (1) When the victim is under 18 years of age at the
14 time of the offense, a prosecution for criminal sexual assault,
15 aggravated criminal sexual assault, predatory criminal sexual
16 assault of a child, aggravated criminal sexual abuse, ~~or~~ felony
17 criminal sexual abuse, or female genital mutilation may be
18 commenced at any time.

19 (2) When in circumstances other than as described in
20 paragraph (1) of this subsection (j), when ~~when~~ the victim is
21 under 18 years of age at the time of the offense, a prosecution
22 for failure of a person who is required to report an alleged or
23 suspected commission of criminal sexual assault, aggravated
24 criminal sexual assault, predatory criminal sexual assault of a
25 child, aggravated criminal sexual abuse, or felony criminal
26 sexual abuse under the Abused and Neglected Child Reporting Act

1 may be commenced within 20 years after the child victim attains
2 18 years of age.

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

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

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

15 (k) (Blank).

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 (m) The prosecution shall not be required to prove at trial
20 facts which extend the general limitations in Section 3-5 of
21 this Code when the facts supporting extension of the period of
22 general limitations are properly pled in the charging document.
23 Any challenge relating to the extension of the general
24 limitations period as defined in this Section shall be
25 exclusively conducted under Section 114-1 of the Code of
26 Criminal Procedure of 1963.

1 (Source: P.A. 99-234, eff. 8-3-15; 99-820, eff. 8-15-16;
2 100-80, eff. 8-11-17; 100-318, eff. 8-24-17; 100-434, eff.
3 1-1-18; revised 10-5-17.)

4 (720 ILCS 5/12-34)

5 Sec. 12-34. Female genital mutilation.

6 (a) Except as otherwise permitted in subsection (b),
7 whoever knowingly circumcises, excises, or infibulates, in
8 whole or in part, the labia majora, labia minora, or clitoris
9 of another commits female genital mutilation. Consent to the
10 procedure by a minor on whom it is performed or by the minor's
11 parent or guardian is not a defense to a violation of this
12 Section.

13 (a-5) A parent, guardian, or other person having physical
14 custody or control of a child who knowingly facilitates or
15 permits the circumcision, excision, or infibulation, in whole
16 or in part, of the labia majora, labia minora, or clitoris of
17 the child commits female genital mutilation.

18 (b) A surgical procedure is not a violation of subsection
19 (a) if the procedure is performed by a physician licensed to
20 practice medicine in all its branches and:

21 (1) is necessary to the health of the person on whom it
22 is performed; or

23 (2) is performed on a person who is in labor or who has
24 just given birth and is performed for medical purposes
25 connected with that labor or birth.

1 (c) Sentence. Female genital mutilation is a Class X
2 felony.

3 (Source: P.A. 96-1551, eff. 7-1-11.)