



Rep. Christian L. Mitchell

**Filed: 5/18/2018**

10000SB3404ham001

LRB100 19981 SLF 40407 a

1 AMENDMENT TO SENATE BILL 3404

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 3404 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Preventing Sexual Violence in Higher  
5 Education Act is amended by changing Section 10 as follows:

6 (110 ILCS 155/10)

7 Sec. 10. Comprehensive policy. On or before August 1, 2016,  
8 all higher education institutions shall adopt a comprehensive  
9 policy concerning sexual violence, domestic violence, dating  
10 violence, and stalking consistent with governing federal and  
11 State law. The higher education institution's comprehensive  
12 policy shall include, at a minimum, all of the following  
13 components:

14 (1) A definition of consent that, at a minimum,  
15 recognizes that (i) consent is a freely given agreement to  
16 sexual activity, (ii) a person's lack of verbal or physical

1 resistance or submission resulting from the use or threat  
2 of force does not constitute consent, (iii) a person's  
3 manner of dress does not constitute consent, (iv) a  
4 person's consent to past sexual activity does not  
5 constitute consent to future sexual activity, (v) a  
6 person's consent to engage in sexual activity with one  
7 person does not constitute consent to engage in sexual  
8 activity with another, (vi) a person can withdraw consent  
9 at any time, and (vii) a person cannot consent to sexual  
10 activity if that person is unable to understand the nature  
11 of the activity or give knowing consent due to  
12 circumstances, including without limitation the following:

13 (A) the person is incapacitated due to the use or  
14 influence of alcohol or drugs;

15 (B) the person is asleep or unconscious;

16 (C) the person is under age; or

17 (D) the person is incapacitated due to a mental  
18 disability.

19 Nothing in this Section prevents a higher education  
20 institution from defining consent in a more demanding  
21 manner.

22 (2) Procedures that students of the higher education  
23 institution may follow if they choose to report an alleged  
24 violation of the comprehensive policy, regardless of where  
25 the incident of sexual violence, domestic violence, dating  
26 violence, or stalking occurred, including all of the

1 following:

2 (A) Name and contact information for the Title IX  
3 coordinator, campus law enforcement or security, local  
4 law enforcement, and the community-based sexual  
5 assault crisis center.

6 (B) The name, title, and contact information for  
7 confidential advisors and other confidential resources  
8 and a description of what confidential reporting  
9 means.

10 (C) Information regarding the various individuals,  
11 departments, or organizations to whom a student may  
12 report a violation of the comprehensive policy,  
13 specifying for each individual and entity (i) the  
14 extent of the individual's or entity's reporting  
15 obligation, (ii) the extent of the individual's or  
16 entity's ability to protect the student's privacy, and  
17 (iii) the extent of the individual's or entity's  
18 ability to have confidential communications with the  
19 student.

20 (D) An option for students to electronically  
21 report.

22 (E) An option for students to anonymously report.

23 (F) An option for students to confidentially  
24 report.

25 (G) An option for reports by third parties and  
26 bystanders.

1           (3) The higher education institution's procedure for  
2       responding to a report of an alleged incident of sexual  
3       violence, domestic violence, dating violence, or stalking,  
4       including without limitation (i) assisting and  
5       interviewing the survivor, (ii) identifying and locating  
6       witnesses, (iii) contacting and interviewing the  
7       respondent, (iv) contacting and cooperating with law  
8       enforcement, when applicable, and (v) providing  
9       information regarding the importance of preserving  
10      physical evidence of the sexual violence and the  
11      availability of a medical forensic examination at no charge  
12      to the survivor.

13          (4) A statement of the higher education institution's  
14      obligation to provide survivors with concise information,  
15      written in plain language, concerning the survivor's  
16      rights and options, upon receiving a report of an alleged  
17      violation of the comprehensive policy, as described in  
18      Section 15 of this Act.

19          (5) The name, address, and telephone number of the  
20      medical facility nearest to each campus of the higher  
21      education institution where a survivor may have a medical  
22      forensic examination completed at no cost to the survivor,  
23      pursuant to the Sexual Assault Survivors Emergency  
24      Treatment Act.

25          (6) The name, telephone number, address, and website  
26      URL, if available, of community-based, State, and national

1 sexual assault crisis centers.

2 (7) A statement notifying survivors of the interim  
3 protective measures and accommodations reasonably  
4 available from the higher education institution that a  
5 survivor may request in response to an alleged violation of  
6 the comprehensive policy, including without limitation  
7 changes to academic, living, dining, transportation, and  
8 working situations, obtaining and enforcing campus no  
9 contact orders, and honoring an order of protection or no  
10 contact order entered by a State civil or criminal court.

11 (8) The higher education institution's complaint  
12 resolution procedures if a student alleges violation of the  
13 comprehensive violence policy, including, at a minimum,  
14 the guidelines set forth in Section 25 of this Act.

15 (9) A statement of the range of sanctions the higher  
16 education institution may impose following the  
17 implementation of its complaint resolution procedures in  
18 response to an alleged violation of the comprehensive  
19 policy. Sanctions may include, but are not limited to,  
20 suspension, expulsion, or removal of the student found,  
21 after complaint resolution procedures, to be in violation  
22 of the comprehensive policy of the higher education  
23 institution.

24 (10) A statement of the higher education institution's  
25 obligation to include an amnesty provision that provides  
26 immunity to any student who reports, in good faith, an

1       alleged violation of the higher education institution's  
2       comprehensive policy to a responsible employee, as defined  
3       by federal law, so that the reporting student will not  
4       receive a disciplinary sanction by the institution for a  
5       student conduct violation, such as underage drinking or  
6       possession or use of a controlled substance, that is  
7       revealed in the course of such a report, unless the  
8       institution determines that the violation was egregious,  
9       including without limitation an action that places the  
10      health or safety of any other person at risk.

11       (11) A statement of the higher education institution's  
12      prohibition on retaliation against those who, in good  
13      faith, report or disclose an alleged violation of the  
14      comprehensive policy, file a complaint, or otherwise  
15      participate in the complaint resolution procedure and  
16      available sanctions for individuals who engage in  
17      retaliatory conduct.

18      (Source: P.A. 99-426, eff. 8-21-15; 99-741, eff. 8-5-16.)

19       Section 10. The Liquor Control Act of 1934 is amended by  
20      changing Section 6-20 as follows:

21       (235 ILCS 5/6-20) (from Ch. 43, par. 134a)

22       Sec. 6-20. Transfer, possession, and consumption of  
23      alcoholic liquor; restrictions.

24       (a) Any person to whom the sale, gift or delivery of any

1 alcoholic liquor is prohibited because of age shall not  
2 purchase, or accept a gift of such alcoholic liquor or have  
3 such alcoholic liquor in his possession.

4 (b) If a licensee or his or her agents or employees  
5 believes or has reason to believe that a sale or delivery of  
6 any alcoholic liquor is prohibited because of the non-age of  
7 the prospective recipient, he or she shall, before making such  
8 sale or delivery demand presentation of some form of positive  
9 identification, containing proof of age, issued by a public  
10 officer in the performance of his or her official duties.

11 (c) No person shall transfer, alter, or deface such an  
12 identification card; use the identification card of another;  
13 carry or use a false or forged identification card; or obtain  
14 an identification card by means of false information.

15 (d) No person shall purchase, accept delivery or have  
16 possession of alcoholic liquor in violation of this Section.

17 (e) The consumption of alcoholic liquor by any person under  
18 21 years of age is forbidden.

19 (f) Whoever violates any provisions of this Section shall  
20 be guilty of a Class A misdemeanor.

21 (g) The possession and dispensing, or consumption by a  
22 person under 21 years of age of alcoholic liquor in the  
23 performance of a religious service or ceremony, or the  
24 consumption by a person under 21 years of age under the direct  
25 supervision and approval of the parents or parent or those  
26 persons standing in loco parentis of such person under 21 years

1 of age in the privacy of a home, is not prohibited by this Act.

2 (h) The provisions of this Act prohibiting the possession  
3 of alcoholic liquor by a person under 21 years of age and  
4 dispensing of alcoholic liquor to a person under 21 years of  
5 age do not apply in the case of a student under 21 years of age,  
6 but 18 years of age or older, who:

7 (1) tastes, but does not imbibe, alcoholic liquor only  
8 during times of a regularly scheduled course while under  
9 the direct supervision of an instructor who is at least 21  
10 years of age and employed by an educational institution  
11 described in subdivision (2);

12 (2) is enrolled as a student in a college, university,  
13 or post-secondary educational institution that is  
14 accredited or certified by an agency recognized by the  
15 United States Department of Education or a nationally  
16 recognized accrediting agency or association, or that has a  
17 permit of approval issued by the Board of Higher Education  
18 pursuant to the Private Business and Vocational Schools Act  
19 of 2012;

20 (3) is participating in a culinary arts, fermentation  
21 science, food service, or restaurant management degree  
22 program of which a portion of the program includes  
23 instruction on responsible alcoholic beverage serving  
24 methods modeled after the Beverage Alcohol Sellers and  
25 Server Education and Training (BASSET) curriculum; and

26 (4) tastes, but does not imbibe, alcoholic liquor for



1 instructional purposes up to, but not exceeding, 6 times  
2 per class as a part of a required course in which the  
3 student temporarily possesses alcoholic liquor for  
4 tasting, not imbibing, purposes only in a class setting on  
5 the campus and, thereafter, the alcoholic liquor is  
6 possessed and remains under the control of the instructor.

7 (i) A law enforcement officer may not charge or otherwise  
8 take a person into custody based solely on the commission of an  
9 offense that involves alcohol and violates subsection (d) or  
10 (e) of this Section if the law enforcement officer, after  
11 making a reasonable determination and considering the facts and  
12 surrounding circumstances, reasonably believes that all of the  
13 following apply:

14 (1) The law enforcement officer has contact with the  
15 person because that person either:

16 (A) requested emergency medical assistance for an  
17 individual who reasonably appeared to be in need of  
18 medical assistance due to alcohol consumption; or

19 (B) acted in concert with another person who  
20 requested emergency medical assistance for an  
21 individual who reasonably appeared to be in need of  
22 medical assistance due to alcohol consumption;  
23 however, the provisions of this subparagraph (B) shall  
24 not apply to more than 3 persons acting in concert for  
25 any one occurrence.

26 (2) The person described in subparagraph (A) or (B) of

1 paragraph (1) of this subsection (i):

2 (A) provided his or her full name and any other  
3 relevant information requested by the law enforcement  
4 officer;

5 (B) remained at the scene with the individual who  
6 reasonably appeared to be in need of medical assistance  
7 due to alcohol consumption until emergency medical  
8 assistance personnel arrived; and

9 (C) cooperated with emergency medical assistance  
10 personnel and law enforcement officers at the scene.

11 (i-5) (1) In this subsection (i-5):

12 "Medical forensic services" has the meaning defined in  
13 Section 1a of the Sexual Assault Survivors Emergency  
14 Treatment Act.

15 "Sexual assault" means an act of sexual conduct or  
16 sexual penetration, defined in Section 11-0.1 of the  
17 Criminal Code of 2012, including, without limitation, acts  
18 prohibited under Sections 11-1.20 through 11-1.60 of the  
19 Criminal Code of 2012.

20 (2) A law enforcement officer may not charge or  
21 otherwise take a person into custody based solely on the  
22 commission of an offense that involves alcohol and violates  
23 subsection (d) or (e) of this Section if the law  
24 enforcement officer, after making a reasonable  
25 determination and considering the facts and surrounding  
26 circumstances, reasonably believes that all of the

1       following apply:

2               (A) The law enforcement officer has contact with  
3       the person because the person:

4               (i) reported that he or she was sexually  
5       assaulted;

6               (ii) reported a sexual assault of another  
7       person or requested emergency medical assistance  
8       or medical forensic services for another person  
9       who had been sexually assaulted; or

10              (iii) acted in concert with another person who  
11       reported a sexual assault of another person or  
12       requested emergency medical assistance or medical  
13       forensic services for another person who had been  
14       sexually assaulted; however, the provisions of  
15       this item (iii) shall not apply to more than 3  
16       persons acting in concert for any one occurrence.

17       The report of a sexual assault may have been made to a  
18       health care provider, to law enforcement, including the campus  
19       police or security department of an institution of higher  
20       education, or to the Title IX coordinator of an institution of  
21       higher education or another employee of the institution  
22       responsible for responding to reports of sexual assault under  
23       State or federal law.

24              (B) The person who reports the sexual assault:

25              (i) provided his or her full name;

26              (ii) remained at the scene until emergency

1           medical assistance personnel arrived, if emergency  
2           medical assistance was summoned for the person who  
3           was sexually assaulted and he or she cooperated  
4           with emergency medical assistance personnel; and  
5           (iii) cooperated with the agency or person to  
6           whom the sexual assault was reported if he or she  
7           witnessed or reported the sexual assault of  
8           another person.

9           (j) A person who meets the criteria of paragraphs (1) and  
10          (2) of subsection (i) of this Section or a person who meets the  
11          criteria of paragraph (2) of subsection (i-5) of this Section  
12          shall be immune from criminal liability for an offense under  
13          subsection (d) or (e) of this Section.

14          (k) A person may not initiate an action against a law  
15          enforcement officer based on the officer's compliance or  
16          failure to comply with subsection (i) or (i-5) of this Section,  
17          except for willful or wanton misconduct.

18          (Source: P.A. 99-447, eff. 6-1-16; 99-795, eff. 8-12-16.)

19          Section 15. The Sexual Assault Survivors Emergency  
20          Treatment Act is amended by changing Sections 5 and 6.5 as  
21          follows:

22               (410 ILCS 70/5) (from Ch. 111 1/2, par. 87-5)

23          Sec. 5. Minimum requirements for hospitals providing  
24          hospital emergency services and forensic services to sexual

1 assault survivors.

2 (a) Every hospital providing hospital emergency services  
3 and forensic services to sexual assault survivors under this  
4 Act shall, as minimum requirements for such services, provide,  
5 with the consent of the sexual assault survivor, and as ordered  
6 by the attending physician, an advanced practice registered  
7 nurse, or a physician assistant, the following:

8 (1) appropriate medical examinations and laboratory  
9 tests required to ensure the health, safety, and welfare of  
10 a sexual assault survivor or which may be used as evidence  
11 in a criminal proceeding against a person accused of the  
12 sexual assault, or both; and records of the results of such  
13 examinations and tests shall be maintained by the hospital  
14 and made available to law enforcement officials upon the  
15 request of the sexual assault survivor;

16 (2) appropriate oral and written information  
17 concerning the possibility of infection, sexually  
18 transmitted disease and pregnancy resulting from sexual  
19 assault;

20 (3) appropriate oral and written information  
21 concerning accepted medical procedures, medication, and  
22 possible contraindications of such medication available  
23 for the prevention or treatment of infection or disease  
24 resulting from sexual assault;

25 (3.5) after a medical evidentiary or physical  
26 examination, access to a shower at no cost, unless

1       showering facilities are unavailable;

2           (4) an amount of medication for treatment at the  
3       hospital and after discharge as is deemed appropriate by  
4       the attending physician, an advanced practice registered  
5       nurse, or a physician assistant and consistent with the  
6       hospital's current approved protocol for sexual assault  
7       survivors;

8           (5) an evaluation of the sexual assault survivor's risk  
9       of contracting human immunodeficiency virus (HIV) from the  
10      sexual assault;

11          (6) written and oral instructions indicating the need  
12      for follow-up examinations and laboratory tests after the  
13      sexual assault to determine the presence or absence of  
14      sexually transmitted disease;

15          (7) referral by hospital personnel for appropriate  
16      counseling; and

17          (8) when HIV prophylaxis is deemed appropriate, an  
18      initial dose or doses of HIV prophylaxis, along with  
19      written and oral instructions indicating the importance of  
20      timely follow-up healthcare.

21      (b) Any person who is a sexual assault survivor who seeks  
22      emergency hospital services and forensic services or follow-up  
23      healthcare under this Act shall be provided such services  
24      without the consent of any parent, guardian, custodian,  
25      surrogate, or agent.

26      (b-5) Every treating hospital providing hospital emergency

1 and forensic services to sexual assault survivors shall issue a  
2 voucher to any sexual assault survivor who is eligible to  
3 receive one. The hospital shall make a copy of the voucher and  
4 place it in the medical record of the sexual assault survivor.  
5 The hospital shall provide a copy of the voucher to the sexual  
6 assault survivor after discharge upon request.

7 (c) Nothing in this Section creates a physician-patient  
8 relationship that extends beyond discharge from the hospital  
9 emergency department.

10 (Source: P.A. 99-173, eff. 7-29-15; 99-454, eff. 1-1-16;  
11 99-642, eff. 7-28-16; 100-513, eff. 1-1-18.)

12 (410 ILCS 70/6.5)

13 Sec. 6.5. Written consent to the release of sexual assault  
14 evidence for testing.

15 (a) Upon the completion of hospital emergency services and  
16 forensic services, the health care professional providing the  
17 forensic services shall provide the patient the opportunity to  
18 sign a written consent to allow law enforcement to submit the  
19 sexual assault evidence for testing. The written consent shall  
20 be on a form included in the sexual assault evidence collection  
21 kit and shall include whether the survivor consents to the  
22 release of information about the sexual assault to law  
23 enforcement.

24 (1) A survivor 13 years of age or older may sign the  
25 written consent to release the evidence for testing.

1           (2) If the survivor is a minor who is under 13 years of  
2 age, the written consent to release the sexual assault  
3 evidence for testing may be signed by the parent, guardian,  
4 investigating law enforcement officer, or Department of  
5 Children and Family Services.

6           (3) If the survivor is an adult who has a guardian of  
7 the person, a health care surrogate, or an agent acting  
8 under a health care power of attorney, the consent of the  
9 guardian, surrogate, or agent is not required to release  
10 evidence and information concerning the sexual assault or  
11 sexual abuse. If the adult is unable to provide consent for  
12 the release of evidence and information and a guardian,  
13 surrogate, or agent under a health care power of attorney  
14 is unavailable or unwilling to release the information,  
15 then an investigating law enforcement officer may  
16 authorize the release.

17           (4) Any health care professional, including any  
18 physician, advanced practice registered nurse, physician  
19 assistant, or nurse, sexual assault nurse examiner, and any  
20 health care institution, including any hospital, who  
21 provides evidence or information to a law enforcement  
22 officer under a written consent as specified in this  
23 Section is immune from any civil or professional liability  
24 that might arise from those actions, with the exception of  
25 willful or wanton misconduct. The immunity provision  
26 applies only if all of the requirements of this Section are



1 met.

2 (b) The hospital shall keep a copy of a signed or unsigned  
3 written consent form in the patient's medical record.

4 (c) If a written consent to allow law enforcement to test  
5 the sexual assault evidence is not signed at the completion of  
6 hospital emergency services and forensic services, the  
7 hospital shall include the following information in its  
8 discharge instructions:

9 (1) the sexual assault evidence will be stored for 10 ~~5~~  
10 years from the completion of an Illinois State Police  
11 Sexual Assault Evidence Collection Kit, or 10 ~~5~~ years from  
12 the age of 18 years, whichever is longer;

13 (2) a person authorized to consent to the testing of  
14 the sexual assault evidence may sign a written consent to  
15 allow law enforcement to test the sexual assault evidence  
16 at any time during that 10-year ~~5-year~~ period for an adult  
17 victim, or until a minor victim turns 28 ~~23~~ years of age by

18 (A) contacting the law enforcement agency having  
19 jurisdiction, or if unknown, the law enforcement agency  
20 contacted by the hospital under Section 3.2 of the Criminal  
21 Identification Act; or (B) by working with an advocate at a  
22 rape crisis center;

23 (3) the name, address, and phone number of the law  
24 enforcement agency having jurisdiction, or if unknown the  
25 name, address, and phone number of the law enforcement  
26 agency contacted by the hospital under Section 3.2 of the

1 Criminal Identification Act; and

2 (4) the name and phone number of a local rape crisis  
3 center.

4 (Source: P.A. 99-801, eff. 1-1-17; 100-513, eff. 1-1-18.)

5 Section 20. The Criminal Code of 2012 is amended by  
6 changing Section 3-6 as follows:

7 (720 ILCS 5/3-6) (from Ch. 38, par. 3-6)

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

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

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

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

20 (d) A prosecution for child pornography, aggravated child  
21 pornography, indecent solicitation of a child, soliciting for a  
22 juvenile prostitute, juvenile pimping, exploitation of a  
23 child, or promoting juvenile prostitution except for keeping a  
24 place of juvenile prostitution may be commenced within one year  
25 of the victim attaining the age of 18 years. However, in no  
26 such case shall the time period for prosecution expire sooner

1 than 3 years after the commission of the offense.

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

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

17 (f-5) A prosecution for any offense set forth in Section  
18 16-30 of this Code may be commenced within 5 years after the  
19 discovery of the offense by the victim of that offense.

20 (g) (Blank).

21 (h) (Blank).

22 (i) Except as otherwise provided in subdivision (j), a  
23 prosecution for criminal sexual assault, aggravated criminal  
24 sexual assault, or aggravated criminal sexual abuse may be  
25 commenced within 10 years of the commission of the offense if  
26 the victim reported the offense to law enforcement authorities

1 within 3 years after the commission of the offense. If the  
2 victim consented to the collection of evidence using an  
3 Illinois State Police Sexual Assault Evidence Collection Kit  
4 under the Sexual Assault Survivors Emergency Treatment Act, it  
5 shall constitute reporting for purposes of this Section.

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

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

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

19 (2) When the victim is under 18 years of age at the time of  
20 the offense, a prosecution for failure of a person who is  
21 required to report an alleged or suspected commission of  
22 criminal sexual assault, aggravated criminal sexual assault,  
23 predatory criminal sexual assault of a child, aggravated  
24 criminal sexual abuse, or felony criminal sexual abuse under  
25 the Abused and Neglected Child Reporting Act may be commenced  
26 within 20 years after the child victim attains 18 years of age.

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

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

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

13           (k) (Blank).

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

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

25           (Source: P.A. 99-234, eff. 8-3-15; 99-820, eff. 8-15-16;  
26 100-80, eff. 8-11-17; 100-318, eff. 8-24-17; 100-434, eff.

1-1-18; revised 10-5-17.)

Section 25. The Illinois Controlled Substances Act is amended by adding Section 415 as follows:

(720 ILCS 570/415 new)

Sec. 415. Use, possession, and consumption of a controlled substance related to sexual assault; limited immunity from prosecution.

(a) In this Section:

"Medical forensic services" has the meaning defined in Section 1a of the Sexual Assault Survivors Emergency Treatment Act.

"Sexual assault" means an act of sexual conduct or sexual penetration, defined in Section 11-0.1 of the Criminal Code of 2012, including, without limitation, acts prohibited under Sections 11-1.20 through 11-1.60 of the Criminal Code of 2012.

(b) A person who is a victim of a sexual assault shall not be charged or prosecuted for Class 4 felony possession of a controlled, counterfeit, or look-alike substance or a controlled substance analog:

(1) if evidence for the Class 4 felony possession charge was acquired as a result of the person reporting the sexual assault to law enforcement, or seeking or obtaining emergency medical assistance or medical forensic services;

1       and

2           (2) provided the amount of substance recovered is  
3       within the amount identified in subsection (d) of this  
4       Section.

5       (c) A person who, in good faith, reports to law enforcement  
6       the commission of a sexual assault against another person or  
7       seeks or obtains emergency medical assistance or medical  
8       forensic services for a victim of sexual assault shall not be  
9       charged or prosecuted for Class 4 felony possession of a  
10       controlled, counterfeit, or look-alike substance or a  
11       controlled substance analog:

12           (1) if evidence for the Class 4 felony possession  
13       charge was acquired as a result of the person seeking or  
14       obtaining emergency medical assistance or medical forensic  
15       services; and

16           (2) provided the amount of substance recovered is  
17       within the amount identified in subsection (d) of this  
18       Section.

19       (d) For the purposes of subsections (b) and (c) of this  
20       Section, the limited immunity shall only apply to a person  
21       possessing the following amount:

22           (1) less than 3 grams of a substance containing heroin;

23           (2) less than 3 grams of a substance containing  
24       cocaine;

25           (3) less than 3 grams of a substance containing  
26       morphine;



1           (4) less than 40 grams of a substance containing  
2           peyote;

3           (5) less than 40 grams of a substance containing a  
4           derivative of barbituric acid or any of the salts of a  
5           derivative of barbituric acid;

6           (6) less than 40 grams of a substance containing  
7           amphetamine or any salt of an optical isomer of  
8           amphetamine;

9           (7) less than 3 grams of a substance containing  
10           lysergic acid diethylamide (LSD), or an analog thereof;

11           (8) less than 6 grams of a substance containing  
12           pentazocine or any of the salts, isomers and salts of  
13           isomers of pentazocine, or an analog thereof;

14           (9) less than 6 grams of a substance containing  
15           methaqualone or any of the salts, isomers and salts of  
16           isomers of methaqualone;

17           (10) less than 6 grams of a substance containing  
18           phencyclidine or any of the salts, isomers and salts of  
19           isomers of phencyclidine (PCP);

20           (11) less than 6 grams of a substance containing  
21           ketamine or any of the salts, isomers and salts of isomers  
22           of ketamine; or

23           (12) less than 40 grams of a substance containing a  
24           substance classified as a narcotic drug in Schedules I or  
25           II, or an analog thereof, which is not otherwise included  
26           in this subsection (d).

1       (e) The limited immunity described in subsections (b) and  
2       (c) of this Section shall not be extended if law enforcement  
3       has reasonable suspicion or probable cause to detain, arrest,  
4       or search the person described in subsection (b) or (c) of this  
5       Section for criminal activity and the reasonable suspicion or  
6       probable cause is based on information obtained prior to or  
7       independent of the person described in subsection (b) or (c) of  
8       this Section taking action to report a sexual assault to law  
9       enforcement or to seek or obtain emergency medical assistance  
10       or medical forensic services and not obtained as a direct  
11       result of the action of seeking or obtaining emergency medical  
12       assistance or medical forensic services. Nothing in this  
13       Section is intended to interfere with or prevent the  
14       investigation, arrest, or prosecution of any person for the  
15       delivery or distribution of cannabis, methamphetamine, or  
16       other controlled substances, drug-induced homicide, or any  
17       other crime.

18       Section 30. The Rights of Crime Victims and Witnesses Act  
19       is amended by changing Section 4 and by adding Section 4.6 as  
20       follows:

21       (725 ILCS 120/4) (from Ch. 38, par. 1404)

22       Sec. 4. Rights of crime victims.

23       (a) Crime victims shall have the following rights:

24           (1) The right to be treated with fairness and respect

1 for their dignity and privacy and to be free from  
2 harassment, intimidation, and abuse throughout the  
3 criminal justice process.

4 (1.5) The right to notice and to a hearing before a  
5 court ruling on a request for access to any of the victim's  
6 records, information, or communications which are  
7 privileged or confidential by law.

8 (2) The right to timely notification of all court  
9 proceedings.

10 (3) The right to communicate with the prosecution.

11 (4) The right to be heard at any post-arraignment court  
12 proceeding in which a right of the victim is at issue and  
13 any court proceeding involving a post-arraignment release  
14 decision, plea, or sentencing.

15 (5) The right to be notified of the conviction, the  
16 sentence, the imprisonment and the release of the accused.

17 (6) The right to the timely disposition of the case  
18 following the arrest of the accused.

19 (7) The right to be reasonably protected from the  
20 accused through the criminal justice process.

21 (7.5) The right to have the safety of the victim and  
22 the victim's family considered in denying or fixing the  
23 amount of bail, determining whether to release the  
24 defendant, and setting conditions of release after arrest  
25 and conviction.

26 (8) The right to be present at the trial and all other

1 court proceedings on the same basis as the accused, unless  
2 the victim is to testify and the court determines that the  
3 victim's testimony would be materially affected if the  
4 victim hears other testimony at the trial.

5 (9) The right to have present at all court proceedings,  
6 including proceedings under the Juvenile Court Act of 1987,  
7 subject to the rules of evidence, an advocate and other  
8 support person of the victim's choice.

9 (10) The right to restitution.

10 (b) Any law enforcement agency that investigates an offense  
11 committed in this State shall provide a crime victim with a  
12 written statement and explanation of the rights of crime  
13 victims under this amendatory Act of the 99th General Assembly  
14 within 48 hours of law enforcement's initial contact with a  
15 victim. The statement shall include information about crime  
16 victim compensation, including how to contact the Office of the  
17 Illinois Attorney General to file a claim, and appropriate  
18 referrals to local and State programs that provide victim  
19 services. The content of the statement shall be provided to law  
20 enforcement by the Attorney General. Law enforcement shall also  
21 provide a crime victim with a sign-off sheet that the victim  
22 shall sign and date as an acknowledgement that he or she has  
23 been furnished with information and an explanation of the  
24 rights of crime victims and compensation set forth in this Act.

25 (b-5) Upon the request of the victim, the law enforcement  
26 agency having jurisdiction shall provide a free copy of the

1 police report concerning the victim's incident, as soon as  
2 practicable, but in no event later than 5 business days from  
3 the request.

4 (c) The Clerk of the Circuit Court shall post the rights of  
5 crime victims set forth in Article I, Section 8.1(a) of the  
6 Illinois Constitution and subsection (a) of this Section within  
7 3 feet of the door to any courtroom where criminal proceedings  
8 are conducted. The clerk may also post the rights in other  
9 locations in the courthouse.

10 (d) At any point, the victim has the right to retain a  
11 victim's attorney who may be present during all stages of any  
12 interview, investigation, or other interaction with  
13 representatives of the criminal justice system. Treatment of  
14 the victim should not be affected or altered in any way as a  
15 result of the victim's decision to exercise this right.

16 (Source: P.A. 99-413, eff. 8-20-15.)

17 (725 ILCS 120/4.6 new)

18 Sec. 4.6. Advocates; support person.

19 (a) A crime victim has a right to have an advocate present  
20 during any medical evidentiary or physical examination, unless  
21 no advocate can be summoned in a reasonably timely manner. The  
22 victim also has the right to have an additional person present  
23 for support during any medical evidentiary or physical  
24 examination.

25 (b) A victim retains the rights prescribed in subsection

1 (a) of this Section even if the victim has waived these rights  
2 in a previous examination.

3 Section 35. The Sexual Assault Incident Procedure Act is  
4 amended by changing Sections 25 and 30 as follows:

5 (725 ILCS 203/25)

6 Sec. 25. Report; victim notice.

7 (a) At the time of first contact with the victim, law  
8 enforcement shall:

9 (1) Advise the victim about the following by providing  
10 a form, the contents of which shall be prepared by the  
11 Office of the Attorney General and posted on its website,  
12 written in a language appropriate for the victim or in  
13 Braille, or communicating in appropriate sign language  
14 that includes, but is not limited to:

15 (A) information about seeking medical attention  
16 and preserving evidence, including specifically,  
17 collection of evidence during a medical forensic  
18 examination at a hospital and photographs of injury and  
19 clothing;

20 (B) notice that the victim will not be charged for  
21 hospital emergency and medical forensic services;

22 (C) information advising the victim that evidence  
23 can be collected at the hospital up to 7 days after the  
24 sexual assault or sexual abuse but that the longer the

1 victim waits the likelihood of obtaining evidence  
2 decreases;

3 (C-5) notice that the sexual assault forensic  
4 evidence collected will not be used to prosecute the  
5 victim for any offense related to the use of alcohol,  
6 cannabis, or a controlled substance;

7 (D) the location of nearby hospitals that provide  
8 emergency medical and forensic services and, if known,  
9 whether the hospitals employ any sexual assault nurse  
10 examiners;

11 (E) a summary of the procedures and relief  
12 available to victims of sexual assault or sexual abuse  
13 under the Civil No Contact Order Act or the Illinois  
14 Domestic Violence Act of 1986;

15 (F) the law enforcement officer's name and badge  
16 number;

17 (G) at least one referral to an accessible service  
18 agency and information advising the victim that rape  
19 crisis centers can assist with obtaining civil no  
20 contact orders and orders of protection; and

21 (H) if the sexual assault or sexual abuse occurred  
22 in another jurisdiction, provide in writing the  
23 address and phone number of a specific contact at the  
24 law enforcement agency having jurisdiction.

25 (2) Offer to provide or arrange accessible  
26 transportation for the victim to a hospital for emergency

1 and forensic services, including contacting emergency  
2 medical services.

3 (3) Offer to provide or arrange accessible  
4 transportation for the victim to the nearest available  
5 circuit judge or associate judge so the victim may file a  
6 petition for an emergency civil no contact order under the  
7 Civil No Contact Order Act or an order of protection under  
8 the Illinois Domestic Violence Act of 1986 after the close  
9 of court business hours, if a judge is available.

10 (b) At the time of the initial contact with a person making  
11 a third-party report under Section 22 of this Act, a law  
12 enforcement officer shall provide the written information  
13 prescribed under paragraph (1) of subsection (a) of this  
14 Section to the person making the report and request the person  
15 provide the written information to the victim of the sexual  
16 assault or sexual abuse.

17 (c) If the first contact with the victim occurs at a  
18 hospital, a law enforcement officer may request the hospital  
19 provide interpretive services.

20 (Source: P.A. 99-801, eff. 1-1-17.)

21 (725 ILCS 203/30)

22 Sec. 30. Release and storage of sexual assault evidence.

23 (a) A law enforcement agency having jurisdiction that is  
24 notified by a hospital or another law enforcement agency that a  
25 victim of a sexual assault or sexual abuse has received a



1 medical forensic examination and has completed an Illinois  
2 State Police Sexual Assault Evidence Collection Kit shall take  
3 custody of the sexual assault evidence as soon as practicable,  
4 but in no event more than 5 days after the completion of the  
5 medical forensic examination.

6 (a-5) A State's Attorney who is notified under subsection  
7 (d) of Section 6.6 of the Sexual Assault Survivors Emergency  
8 Treatment Act that a hospital is in possession of sexual  
9 assault evidence shall, within 72 hours, contact the  
10 appropriate law enforcement agency to request that the law  
11 enforcement agency take immediate physical custody of the  
12 sexual assault evidence.

13 (b) The written report prepared under Section 20 of this  
14 Act shall include the date and time the sexual assault evidence  
15 was picked up from the hospital and the date and time the  
16 sexual assault evidence was sent to the laboratory in  
17 accordance with the Sexual Assault Evidence Submission Act.

18 (c) If the victim of a sexual assault or sexual abuse or a  
19 person authorized under Section 6.5 of the Sexual Assault  
20 Survivors Emergency Treatment Act has consented to allow law  
21 enforcement to test the sexual assault evidence, the law  
22 enforcement agency having jurisdiction shall submit the sexual  
23 assault evidence for testing in accordance with the Sexual  
24 Assault Evidence Submission Act. No law enforcement agency  
25 having jurisdiction may refuse or fail to send sexual assault  
26 evidence for testing that the victim has released for testing.

1           (d) A victim shall have 10 ~~5~~ years from the completion of  
2   an Illinois State Police Sexual Assault Evidence Collection  
3   Kit, or 10 ~~5~~ years from the age of 18 years, whichever is  
4   longer, to sign a written consent to release the sexual assault  
5   evidence to law enforcement for testing. If the victim or a  
6   person authorized under Section 6.5 of the Sexual Assault  
7   Survivors Emergency Treatment Act does not sign the written  
8   consent at the completion of the medical forensic examination,  
9   the victim or person authorized by Section 6.5 of the Sexual  
10   Assault Survivors Emergency Treatment Act may sign the written  
11   release at the law enforcement agency having jurisdiction, or  
12   in the presence of a sexual assault advocate who may deliver  
13   the written release to the law enforcement agency having  
14   jurisdiction. The victim may also provide verbal consent to the  
15   law enforcement agency having jurisdiction and shall verify the  
16   verbal consent via email or fax. Upon receipt of written or  
17   verbal consent, the law enforcement agency having jurisdiction  
18   shall submit the sexual assault evidence for testing in  
19   accordance with the Sexual Assault Evidence Submission Act. No  
20   law enforcement agency having jurisdiction may refuse or fail  
21   to send the sexual assault evidence for testing that the victim  
22   has released for testing.

23           (e) The law enforcement agency having jurisdiction who  
24   speaks to a victim who does not sign a written consent to  
25   release the sexual assault evidence prior to discharge from the  
26   hospital shall provide a written notice to the victim that

1 contains the following information:

2 (1) where the sexual assault evidence will be stored  
3 for 10 ~~5~~ years;

4 (2) notice that the victim may sign a written release  
5 to test the sexual assault evidence at any time during the  
6 10-year ~~5-year~~ period by contacting the law enforcement  
7 agency having jurisdiction or working with a sexual assault  
8 advocate;

9 (3) the name, phone number, and email address of the  
10 law enforcement agency having jurisdiction; and

11 (4) the name and phone number of a local rape crisis  
12 center.

13 Each law enforcement agency shall develop a protocol for  
14 providing this information to victims as part of the written  
15 policies required in subsection (a) of Section 15 of this Act.

16 (f) A law enforcement agency must develop a protocol for  
17 responding to victims who want to sign a written consent to  
18 release the sexual assault evidence and to ensure that victims  
19 who want to be notified or have a designee notified prior to  
20 the end of the 10-year ~~5-year~~ period are provided notice.

21 (g) Nothing in this Section shall be construed as limiting  
22 the storage period to 10 ~~5~~ years. A law enforcement agency  
23 having jurisdiction may adopt a storage policy that provides  
24 for a period of time exceeding 10 ~~5~~ years. If a longer period  
25 of time is adopted, the law enforcement agency having  
26 jurisdiction shall notify the victim or designee in writing of

1 the longer storage period.

2 (Source: P.A. 99-801, eff. 1-1-17.)".