



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3151

Introduced 2/19/2021, by Rep. Joyce Mason

SYNOPSIS AS INTRODUCED:

720 ILCS 5/11-1.20

was 720 ILCS 5/12-13

Amends the Criminal Code of 2012. Provides that, in addition to other elements defining the offense, a person commits criminal sexual assault if that person commits an act of sexual penetration and is a physician licensed under the Medical Practice Act of 1987 to practice medicine in all of its branches or licensed as a chiropractic physician under that Act and the victim is a patient under the physician or chiropractic physicians's care or to whom the physician or chiropractic physician has access due to his or her practice as a physician or chiropractic physician. Effective January 1, 2022.

LRB102 12640 RLC 17979 b

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 11-1.20 as follows:

6 (720 ILCS 5/11-1.20) (was 720 ILCS 5/12-13)

7 Sec. 11-1.20. Criminal sexual assault.

8 (a) A person commits criminal sexual assault if that
9 person commits an act of sexual penetration and:

10 (1) uses force or threat of force;

11 (2) knows that the victim is unable to understand the
12 nature of the act or is unable to give knowing consent;

13 (3) is a family member of the victim, and the victim is
14 under 18 years of age; ~~or~~

15 (4) is 17 years of age or over and holds a position of
16 trust, authority, or supervision in relation to the
17 victim, and the victim is at least 13 years of age but
18 under 18 years of age; or

19 (5) is a physician licensed under the Medical Practice
20 Act of 1987 to practice medicine in all of its branches or
21 licensed as a chiropractic physician under that Act and
22 the victim is a patient under the physician or
23 chiropractic physicians's care or to whom the physician or

1 chiropractic physician has access due to his or her
2 practice as a physician or chiropractic physician.

3 (b) Sentence.

4 (1) Criminal sexual assault is a Class 1 felony,
5 except that:

6 (A) A person who is convicted of the offense of
7 criminal sexual assault as defined in paragraph (a)(1)
8 or (a)(2) after having previously been convicted of
9 the offense of criminal sexual assault or the offense
10 of exploitation of a child, or who is convicted of the
11 offense of criminal sexual assault as defined in
12 paragraph (a)(1) or (a)(2) after having previously
13 been convicted under the laws of this State or any
14 other state of an offense that is substantially
15 equivalent to the offense of criminal sexual assault
16 or to the offense of exploitation of a child, commits a
17 Class X felony for which the person shall be sentenced
18 to a term of imprisonment of not less than 30 years and
19 not more than 60 years, except that if the person is
20 under the age of 18 years at the time of the offense,
21 he or she shall be sentenced under Section 5-4.5-105
22 of the Unified Code of Corrections. The commission of
23 the second or subsequent offense is required to have
24 been after the initial conviction for this paragraph
25 (A) to apply.

26 (B) A person who has attained the age of 18 years

1 at the time of the commission of the offense and who is
2 convicted of the offense of criminal sexual assault as
3 defined in paragraph (a)(1) or (a)(2) after having
4 previously been convicted of the offense of aggravated
5 criminal sexual assault or the offense of predatory
6 criminal sexual assault of a child, or who is
7 convicted of the offense of criminal sexual assault as
8 defined in paragraph (a)(1) or (a)(2) after having
9 previously been convicted under the laws of this State
10 or any other state of an offense that is substantially
11 equivalent to the offense of aggravated criminal
12 sexual assault or the offense of predatory criminal
13 sexual assault of a child shall be sentenced to a term
14 of natural life imprisonment. The commission of the
15 second or subsequent offense is required to have been
16 after the initial conviction for this paragraph (B) to
17 apply. An offender under the age of 18 years at the
18 time of the commission of the offense covered by this
19 subparagraph (B) shall be sentenced under Section
20 5-4.5-105 of the Unified Code of Corrections.

21 (C) A second or subsequent conviction for a
22 violation of paragraph (a)(3), ~~or~~ (a)(4), or (a)(5) or
23 under any similar statute of this State or any other
24 state for any offense involving criminal sexual
25 assault that is substantially equivalent to or more
26 serious than the sexual assault prohibited under

1 paragraph (a) (3), ~~or~~ (a) (4), or (a) (5) is a Class X
2 felony.

3 (Source: P.A. 99-69, eff. 1-1-16.)

4 Section 99. Effective date. This Act takes effect January
5 1, 2022.