



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB3855

Introduced 1/21/2022, by Sen. Julie A. Morrison

SYNOPSIS AS INTRODUCED:

720 ILCS 5/11-1.60

was 720 ILCS 5/12-16

Amends the Criminal Code of 2012. Provides that a person commits aggravated criminal sexual abuse if that person commits any act of sexual conduct or sexual penetration and any one of the following aggravating circumstances exists at or near the time of the sexual conduct: (1) a threat to physically confine or restrain any individual; (2) a threat of economic damage, including, but not limited to, job status, loan status; employment status, contract termination, or lease termination; (3) a threat related to a person's immigration status; (4) a threat to reveal embarrassing information, including, but not limited to, photographic, digital, or video images depicting, nudity, intimate parts, or sexual activity; or (5) a threat to accuse someone of a crime or misconduct.

LRB102 23697 RLC 32881 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 11-1.60 as follows:

6 (720 ILCS 5/11-1.60) (was 720 ILCS 5/12-16)

7 Sec. 11-1.60. Aggravated criminal sexual abuse.

8 (a) A person commits aggravated criminal sexual abuse if
9 that person commits criminal sexual abuse and any of the
10 following aggravating circumstances exist (i) during the
11 commission of the offense or (ii) for purposes of paragraph
12 (7), as part of the same course of conduct as the commission of
13 the offense:

14 (1) the person displays, threatens to use, or uses a
15 dangerous weapon or any other object fashioned or used in
16 a manner that leads the victim, under the circumstances,
17 reasonably to believe that the object is a dangerous
18 weapon;

19 (2) the person causes bodily harm to the victim;

20 (3) the victim is 60 years of age or older;

21 (4) the victim is a person with a physical disability;

22 (5) the person acts in a manner that threatens or
23 endangers the life of the victim or any other person;

1 (6) the person commits the criminal sexual abuse
2 during the course of committing or attempting to commit
3 any other felony; or

4 (7) the person delivers (by injection, inhalation,
5 ingestion, transfer of possession, or any other means) any
6 controlled substance to the victim for other than medical
7 purposes without the victim's consent or by threat or
8 deception.

9 (b) A person commits aggravated criminal sexual abuse if
10 that person commits an act of sexual conduct with a victim who
11 is under 18 years of age and the person is a family member.

12 (c) A person commits aggravated criminal sexual abuse if:

13 (1) that person is 17 years of age or over and: (i)
14 commits an act of sexual conduct with a victim who is under
15 13 years of age; or (ii) commits an act of sexual conduct
16 with a victim who is at least 13 years of age but under 17
17 years of age and the person uses force or threat of force
18 to commit the act; or

19 (2) that person is under 17 years of age and: (i)
20 commits an act of sexual conduct with a victim who is under
21 9 years of age; or (ii) commits an act of sexual conduct
22 with a victim who is at least 9 years of age but under 17
23 years of age and the person uses force or threat of force
24 to commit the act.

25 (d) A person commits aggravated criminal sexual abuse if
26 that person commits an act of sexual penetration or sexual

1 conduct with a victim who is at least 13 years of age but under
2 17 years of age and the person is at least 5 years older than
3 the victim.

4 (e) A person commits aggravated criminal sexual abuse if
5 that person commits an act of sexual conduct with a victim who
6 is a person with a severe or profound intellectual disability.

7 (f) A person commits aggravated criminal sexual abuse if
8 that person commits an act of sexual conduct with a victim who
9 is but under 18 years of age and the person is 17 years of age
10 or over and holds a position of trust, authority, or
11 supervision in relation to the victim.

12 (f-1) A person commits aggravated criminal sexual abuse if
13 that person commits any act of sexual conduct or sexual
14 penetration and any one of the following aggravating
15 circumstances exists:

16 (1) a threat has been made to physically confine or
17 restrain any individual;

18 (2) a threat of economic damage, including, but not
19 limited to, job status, loan status, employment status,
20 contract termination, or lease termination has been made;

21 (3) a threat has been made related to a person's
22 immigration status;

23 (4) a threat has been made to reveal embarrassing
24 information, including, but not limited to, photographic,
25 digital, or video images depicting, nudity, intimate
26 parts, or sexual activity; or

1 (5) a threat has been made to accuse someone of a crime
2 or misconduct.

3 (g) Sentence. Aggravated criminal sexual abuse for a
4 violation of subsection (a), (b), (c), (d), ~~or (e)~~, or (f-1) of
5 this Section is a Class 2 felony. Aggravated criminal sexual
6 abuse for a violation of subsection (f) of this Section is a
7 Class 1 felony.

8 (Source: P.A. 102-567, eff. 1-1-22.)