

SB2796



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2796

Introduced 1/17/2024, by Sen. Laura Fine

SYNOPSIS AS INTRODUCED:

720 ILCS 5/3-6

from Ch. 38, par. 3-6

Amends the Criminal Code of 2012. Provides that a prosecution for aggravated domestic battery, felony domestic battery, or felony violation of an order of protection may be commenced within 5 (rather than 3) years after the commission of the offense.

LRB103 36179 RLC 66271 b

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
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) 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 18 years of age or over at the
20 time of 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 within 25 years after the commission of the
24 offense.

25 (b-7) When the victim is under 18 years of age at the time
26 of the offense, a prosecution for female genital mutilation

1 may be commenced at any time.

2 (c) (Blank).

3 (d) A prosecution for child pornography, aggravated child
4 pornography, indecent solicitation of a child, soliciting for
5 a juvenile prostitute, juvenile pimping, exploitation of a
6 child, or promoting juvenile prostitution except for keeping a
7 place of juvenile prostitution may be commenced within one
8 year of the victim attaining the age of 18 years. However, in
9 no such case shall the time period for prosecution expire
10 sooner than 3 years after the commission of the offense.

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

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

25 (f-5) A prosecution for any offense set forth in Section
26 16-30 of this Code may be commenced within 5 years after the

1 discovery of the offense by the victim of that offense.

2 (g) (Blank).

3 (h) (Blank).

4 (i) Except as otherwise provided in subdivision (j), a
5 prosecution for criminal sexual assault, aggravated criminal
6 sexual assault, or aggravated criminal sexual abuse may be
7 commenced at any time. If the victim consented to the
8 collection of evidence using an Illinois State Police Sexual
9 Assault Evidence Collection Kit under the Sexual Assault
10 Survivors Emergency Treatment Act, it shall constitute
11 reporting for purposes of this Section.

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

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

20 (j) (1) When the victim is under 18 years of age at the
21 time of the offense, a prosecution for criminal sexual
22 assault, aggravated criminal sexual assault, predatory
23 criminal sexual assault of a child, aggravated criminal sexual
24 abuse, felony criminal sexual abuse, or female genital
25 mutilation may be commenced at any time.

26 (2) When in circumstances other than as described in

1 paragraph (1) of this subsection (j), when the victim is under
2 18 years of age at the time of the offense, a prosecution for
3 failure of a person who is required to report an alleged or
4 suspected commission of criminal sexual assault, aggravated
5 criminal sexual assault, predatory criminal sexual assault of
6 a child, aggravated criminal sexual abuse, or felony criminal
7 sexual abuse under the Abused and Neglected Child Reporting
8 Act may be commenced within 20 years after the child victim
9 attains 18 years of age.

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

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

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

22 (k) (Blank).

23 (l) A prosecution for any offense set forth in Section
24 26-4 of this Code may be commenced within one year after the
25 discovery of the offense by the victim of that offense.

26 (1-5) A prosecution for any offense involving sexual

1 conduct or sexual penetration, as defined in Section 11-0.1 of
2 this Code, in which the victim was 18 years of age or older at
3 the time of the offense, may be commenced within one year after
4 the discovery of the offense by the victim when corroborating
5 physical evidence is available. The charging document shall
6 state that the statute of limitations is extended under this
7 subsection (1-5) and shall state the circumstances justifying
8 the extension. Nothing in this subsection (1-5) shall be
9 construed to shorten a period within which a prosecution must
10 be commenced under any other provision of this Section or
11 Section 3-5 of this Code.

12 (m) The prosecution shall not be required to prove at
13 trial facts which extend the general limitations in Section
14 3-5 of this Code when the facts supporting extension of the
15 period of general limitations are properly pled in the
16 charging document. Any challenge relating to the extension of
17 the general limitations period as defined in this Section
18 shall be exclusively conducted under Section 114-1 of the Code
19 of Criminal Procedure of 1963.

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

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

12 (p) A prosecution for aggravated domestic battery under
13 Section 12-3.3, felony domestic battery under Section 12-3.2,
14 or felony violation of an order of protection under Section
15 12-3.4 may be commenced within 5 years after the commission of
16 the offense.

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