



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB0457

Introduced 1/26/2005, by Rep. Bob Biggins

SYNOPSIS AS INTRODUCED:

720 ILCS 5/3-5

from Ch. 38, par. 3-5

Amends the Criminal Code of 1961. Provides that a prosecution for identity theft or aggravated identity theft may be commenced at any time (rather than within one year and 6 months after the commission of the offense if it is misdemeanor identity theft and within 3 years after commission of the offense if it is felony identity theft or aggravated identity theft).

LRB094 06809 RLC 37175 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 1961 is amended by changing
5 Section 3-5 as follows:

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

7 Sec. 3-5. General Limitations.

8 (a) A prosecution for: (1) first degree murder, attempt to
9 commit first degree murder, second degree murder, involuntary
10 manslaughter, reckless homicide, concealment of homicidal
11 death, treason, arson, aggravated arson, forgery, identity
12 theft, aggravated identity theft, or (2) any offense involving
13 sexual conduct or sexual penetration as defined by Section
14 12-12 of this Code in which the DNA profile of the offender is
15 obtained and entered into a DNA database within 10 years after
16 the commission of the offense and the identity of the offender
17 is unknown after a diligent investigation by law enforcement
18 authorities, may be commenced at any time. Clause (2) of this
19 subsection (a) applies if either: (i) the victim reported the
20 offense to law enforcement authorities within 2 years after the
21 commission of the offense unless a longer period for reporting
22 the offense to law enforcement authorities is provided in
23 Section 3-6 or (ii) the victim is murdered during the course of
24 the offense or within 2 years after the commission of the
25 offense.

26 (b) Unless the statute describing the offense provides
27 otherwise, or the period of limitation is extended by Section
28 3-6, a prosecution for any offense not designated in Subsection
29 (a) must be commenced within 3 years after the commission of
30 the offense if it is a felony, or within one year and 6 months
31 after its commission if it is a misdemeanor.

32 (Source: P.A. 92-752, eff. 8-2-02; 93-834, eff. 7-29-04.)