



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB4606

Introduced 1/11/2006, by Rep. Maria Antonia Berrios - Susana A
Mendoza - Michelle Chavez

SYNOPSIS AS INTRODUCED:

720 ILCS 5/3-6

from Ch. 38, par. 3-6

Amends the Criminal Code of 1961. Eliminates the requirement that the victim of criminal sexual assault, aggravated criminal sexual assault, or aggravated criminal sexual abuse must report the offense to law enforcement authorities within 2 years after the commission of the offense in order for the 10 year statute of limitations to apply. Provides that a prosecution for any offense involving sexual conduct or sexual penetration where the defendant was within a professional or fiduciary relationship or a purported professional or fiduciary relationship with the victim at the time of the commission of the offense may be commenced within one year after the discovery of the offense by the victim if the statute of limitations would have otherwise expired before that one year period.

LRB094 16586 RLC 51847 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 3-6 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 following
10 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 proper
24 prosecuting officer becomes aware of the offense. However,
25 in no such case is the period of limitation so extended
26 more than 3 years beyond the expiration of the period
27 otherwise applicable.

28 (b) A prosecution for any offense based upon misconduct in
29 office by a public officer or employee may be commenced within
30 one year after discovery of the offense by a person having a
31 legal duty to report such offense, or in the absence of such
32 discovery, within one year after the proper prosecuting officer

1 becomes aware of the offense. However, in no such case is the
2 period of limitation so extended more than 3 years beyond the
3 expiration of the period otherwise applicable.

4 (c) Except as otherwise provided in subsection (a) of
5 Section 3-5 of this Code and subdivision (i) or (j) of this
6 Section, a prosecution for any offense involving sexual conduct
7 or sexual penetration, as defined in Section 12-12 of this
8 Code, where the victim and defendant are family members, as
9 defined in Section 12-12 of this Code, may be commenced within
10 one year of the victim attaining the age of 18 years.

11 (d) A prosecution for child pornography, indecent
12 solicitation of a child, soliciting for a juvenile prostitute,
13 juvenile pimping or exploitation of a child may be commenced
14 within one year of the victim attaining the age of 18 years.
15 However, in no such case shall the time period for prosecution
16 expire sooner than 3 years after the commission of the offense.
17 When the victim is under 18 years of age, a prosecution for
18 criminal sexual abuse may be commenced within one year of the
19 victim attaining the age of 18 years. However, in no such case
20 shall the time period for prosecution expire sooner than 3
21 years after the commission of the offense.

22 (e) Except as otherwise provided in subdivision (j), a
23 prosecution for any offense involving sexual conduct or sexual
24 penetration, as defined in Section 12-12 of this Code, where
25 the defendant was within a professional or fiduciary
26 relationship or a purported professional or fiduciary
27 relationship with the victim at the time of the commission of
28 the offense may be commenced within one year after the
29 discovery of the offense by the victim if the statute of
30 limitations would have otherwise expired before that one year
31 period.

32 (f) A prosecution for any offense set forth in Section 44
33 of the "Environmental Protection Act", approved June 29, 1970,
34 as amended, may be commenced within 5 years after the discovery
35 of such an offense by a person or agency having the legal duty
36 to report the offense or in the absence of such discovery,

1 within 5 years after the proper prosecuting officer becomes
2 aware of the offense.

3 (f-5) A prosecution for any offense set forth in Section
4 16G-15 or 16G-20 of this Code may be commenced within 5 years
5 after the discovery of the offense by the victim of that
6 offense.

7 (g) (Blank).

8 (h) (Blank).

9 (i) Except as otherwise provided in subdivision (j), a
10 prosecution for criminal sexual assault, aggravated criminal
11 sexual assault, or aggravated criminal sexual abuse may be
12 commenced within 10 years of the commission of the offense ~~if~~
13 ~~the victim reported the offense to law enforcement authorities~~
14 ~~within 2 years after the commission of the offense.~~

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

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

27 Nothing in this subdivision (j) shall be construed to
28 shorten a period within which a prosecution must be commenced
29 under any other provision of this Section.

30 (Source: P.A. 93-356, eff. 7-24-03; 94-253, eff. 1-1-06.)