

**SB2466**



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**SB2466**

Introduced 1/18/2006, by Sen. John J. Millner

**SYNOPSIS AS INTRODUCED:**

720 ILCS 5/12-13

from Ch. 38, par. 12-13

Amends the Criminal Code of 1961. Provides that criminal sexual assault also occurs when a person commits an act of sexual penetration with a victim who is under 19 years of age and is still attending high school when the act was committed and the accused was 17 years of age or older and held a position of trust, authority, or supervision at the same high school. Provides that a violation is a Class 1 felony for a first offense and a Class X felony for a second or subsequent offense.

LRB094 17690 RLC 52988 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

**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 1961 is amended by changing  
5 Section 12-13 as follows:

6 (720 ILCS 5/12-13) (from Ch. 38, par. 12-13)

7 Sec. 12-13. Criminal Sexual Assault.

8 (a) The accused commits criminal sexual assault if he or  
9 she:

10 (1) commits an act of sexual penetration by the use of  
11 force or threat of force; or

12 (2) commits an act of sexual penetration and the  
13 accused knew that the victim was unable to understand the  
14 nature of the act or was unable to give knowing consent; or

15 (3) commits an act of sexual penetration with a victim  
16 who was under 18 years of age when the act was committed  
17 and the accused was a family member; or

18 (4) commits an act of sexual penetration with a victim  
19 who was at least 13 years of age but under 18 years of age  
20 when the act was committed and the accused was 17 years of  
21 age or over and held a position of trust, authority or  
22 supervision in relation to the victim, or commits an act of  
23 sexual penetration with a victim who is under 19 years of  
24 age and is still attending high school when the act was  
25 committed and the accused was 17 years of age or older and  
26 held a position of trust, authority, or supervision at the  
27 same high school.

28 (b) Sentence.

29 (1) Criminal sexual assault is a Class 1 felony.

30 (2) A person who is convicted of the offense of  
31 criminal sexual assault as defined in paragraph (a)(1) or  
32 (a)(2) after having previously been convicted of the

1 offense of criminal sexual assault, or who is convicted of  
2 the offense of criminal sexual assault as defined in  
3 paragraph (a)(1) or (a)(2) after having previously been  
4 convicted under the laws of this State or any other state  
5 of an offense that is substantially equivalent to the  
6 offense of criminal sexual assault, commits a Class X  
7 felony for which the person shall be sentenced to a term of  
8 imprisonment of not less than 30 years and not more than 60  
9 years. The commission of the second or subsequent offense  
10 is required to have been after the initial conviction for  
11 this paragraph (2) to apply.

12 (3) A person who is convicted of the offense of  
13 criminal sexual assault as defined in paragraph (a)(1) or  
14 (a)(2) after having previously been convicted of the  
15 offense of aggravated criminal sexual assault or the  
16 offense of predatory criminal sexual assault of a child, or  
17 who is convicted of the offense of criminal sexual assault  
18 as defined in paragraph (a)(1) or (a)(2) after having  
19 previously been convicted under the laws of this State or  
20 any other state of an offense that is substantially  
21 equivalent to the offense of aggravated criminal sexual  
22 assault or the offense of criminal predatory sexual assault  
23 shall be sentenced to a term of natural life imprisonment.  
24 The commission of the second or subsequent offense is  
25 required to have been after the initial conviction for this  
26 paragraph (3) to apply.

27 (4) A second or subsequent conviction for a violation  
28 of paragraph (a)(3) or (a)(4) or under any similar statute  
29 of this State or any other state for any offense involving  
30 criminal sexual assault that is substantially equivalent  
31 to or more serious than the sexual assault prohibited under  
32 paragraph (a)(3) or (a)(4) is a Class X felony.

33 (5) When a person has any such prior conviction, the  
34 information or indictment charging that person shall state  
35 such prior conviction so as to give notice of the State's  
36 intention to treat the charge as a Class X felony. The fact

1           of such prior conviction is not an element of the offense  
2           and may not be disclosed to the jury during trial unless  
3           otherwise permitted by issues properly raised during such  
4           trial.

5           (Source: P.A. 90-396, eff. 1-1-98.)