

# HB5707



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB5707

by Rep. Kevin A. McCarthy

#### 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 aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof involving a motor vehicle, snowmobile, all-terrain vehicle, or watercraft accident that resulted in the death of another person, when the violation was a proximate cause of the death, may be commenced at any time. Effective immediately.

LRB095 18420 RLC 44506 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 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, leaving the scene of a motor  
11 vehicle accident involving death or personal injuries under  
12 Section 11-401 of the Illinois Vehicle Code, failing to give  
13 information and render aid under Section 11-403 of the Illinois  
14 Vehicle Code, aggravated driving under the influence of  
15 alcohol, other drug or drugs, or intoxicating compound or  
16 compounds, or any combination thereof involving a motor  
17 vehicle, snowmobile, all-terrain vehicle, or watercraft  
18 accident that resulted in the death of another person, when the  
19 violation was a proximate cause of the death under subparagraph  
20 (F) of paragraph (1) of subsection (d) of Section 11-501 of the  
21 Illinois Vehicle Code, concealment of homicidal death,  
22 treason, arson, aggravated arson, forgery, or (2) any offense  
23 involving sexual conduct or sexual penetration as defined by

1 Section 12-12 of this Code in which the DNA profile of the  
2 offender is obtained and entered into a DNA database within 10  
3 years after the commission of the offense and the identity of  
4 the offender is unknown after a diligent investigation by law  
5 enforcement authorities, may be commenced at any time. Clause  
6 (2) of this subsection (a) applies if either: (i) the victim  
7 reported the offense to law enforcement authorities within 2  
8 years after the commission of the offense unless a longer  
9 period for reporting the offense to law enforcement authorities  
10 is provided in Section 3-6 or (ii) the victim is murdered  
11 during the course of the offense or within 2 years after the  
12 commission of the offense.

13 (b) Unless the statute describing the offense provides  
14 otherwise, or the period of limitation is extended by Section  
15 3-6, a prosecution for any offense not designated in Subsection  
16 (a) must be commenced within 3 years after the commission of  
17 the offense if it is a felony, or within one year and 6 months  
18 after its commission if it is a misdemeanor.

19 (Source: P.A. 93-834, eff. 7-29-04; 94-487, eff. 11-9-05;  
20 94-683, eff. 11-9-05.)

21 Section 99. Effective date. This Act takes effect upon  
22 becoming law.