

# HB1982



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

**HB1982**

Introduced 2/18/2009, by Rep. Michael J. Madigan - Barbara Flynn Currie - Constance A. Howard

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-13

from Ch. 38, par. 12-13

Amends the Criminal Code of 1961. Makes a technical change in a Section concerning criminal sexual assault.

LRB096 05351 RLC 15417 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 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 ~~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.

23 (b) Sentence.

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

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

17           (3) A person who is convicted of the offense of  
18 criminal sexual assault as defined in paragraph (a)(1) or  
19 (a)(2) after having previously been convicted of the  
20 offense of aggravated criminal sexual assault or the  
21 offense of predatory criminal sexual assault of a child, or  
22 who is convicted of the offense of criminal sexual assault  
23 as defined in paragraph (a)(1) or (a)(2) after having  
24 previously been convicted under the laws of this State or  
25 any other state of an offense that is substantially  
26 equivalent to the offense of aggravated criminal sexual

1 assault or the offense of criminal predatory sexual assault  
2 shall be sentenced to a term of natural life imprisonment.  
3 The commission of the second or subsequent offense is  
4 required to have been after the initial conviction for this  
5 paragraph (3) to apply.

6 (4) A second or subsequent conviction for a violation  
7 of paragraph (a) (3) or (a) (4) or under any similar statute  
8 of this State or any other state for any offense involving  
9 criminal sexual assault that is substantially equivalent  
10 to or more serious than the sexual assault prohibited under  
11 paragraph (a) (3) or (a) (4) is a Class X felony.

12 (5) When a person has any such prior conviction, the  
13 information or indictment charging that person shall state  
14 such prior conviction so as to give notice of the State's  
15 intention to treat the charge as a Class X felony. The fact  
16 of such prior conviction is not an element of the offense  
17 and may not be disclosed to the jury during trial unless  
18 otherwise permitted by issues properly raised during such  
19 trial.

20 (Source: P.A. 95-640, eff. 6-1-08.)