



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB4175

Introduced 2/27/2009, by Rep. Roger L. Eddy

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/11-11  
720 ILCS 5/12-12

from Ch. 38, par. 11-11  
from Ch. 38, par. 12-12

Amends the Criminal Code of 1961. Includes uncles and aunts in the definition of "family member". In the offense of sexual relations within families, includes an act of sexual penetration with an uncle or aunt, when the nephew or niece, regardless of legitimacy and regardless of whether the nephew or niece was of the whole blood or half-blood or was adopted, was 18 years of age or over when the act was committed.

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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 Sections 11-11 and 12-12 as follows:

6 (720 ILCS 5/11-11) (from Ch. 38, par. 11-11)

7 Sec. 11-11. Sexual Relations Within Families. (a) A person  
8 commits sexual relations within families if he or she:

9 (1) Commits an act of sexual penetration as defined in  
10 Section 12-12 of this Code; and

11 (2) The person knows that he or she is related to the other  
12 person as follows: (i) Brother or sister, either of the whole  
13 blood or the half blood; or (ii) Father or mother, when the  
14 child, regardless of legitimacy and regardless of whether the  
15 child was of the whole blood or half-blood or was adopted, was  
16 18 years of age or over when the act was committed; or (iii)  
17 Stepfather or stepmother, when the stepchild was 18 years of  
18 age or over when the act was committed; or (iv) Uncle or aunt,  
19 when the nephew or niece, regardless of legitimacy and  
20 regardless of whether the nephew or niece was of the whole  
21 blood or half-blood or was adopted, was 18 years of age or over  
22 when the act was committed.

23 (b) Sentence. Sexual relations within families is a Class 3

1 felony.

2 (Source: P.A. 84-1280.)

3 (720 ILCS 5/12-12) (from Ch. 38, par. 12-12)

4 Sec. 12-12. Definitions. For the purposes of Sections 12-13  
5 through 12-18 of this Code, the terms used in these Sections  
6 shall have the following meanings ascribed to them:

7 (a) "Accused" means a person accused of an offense  
8 prohibited by Sections 12-13, 12-14, 12-15 or 12-16 of this  
9 Code or a person for whose conduct the accused is legally  
10 responsible under Article 5 of this Code.

11 (b) "Bodily harm" means physical harm, and includes, but is  
12 not limited to, sexually transmitted disease, pregnancy and  
13 impotence.

14 (c) "Family member" means a parent, grandparent, uncle,  
15 aunt, or child, whether by whole blood, half-blood or adoption  
16 and includes a step-grandparent, step-parent or step-child.  
17 "Family member" also means, where the victim is a child under  
18 18 years of age, an accused who has resided in the household  
19 with such child continuously for at least one year.

20 (d) "Force or threat of force" means the use of force or  
21 violence, or the threat of force or violence, including but not  
22 limited to the following situations:

23 (1) when the accused threatens to use force or violence  
24 on the victim or on any other person, and the victim under  
25 the circumstances reasonably believed that the accused had

1 the ability to execute that threat; or

2 (2) when the accused has overcome the victim by use of  
3 superior strength or size, physical restraint or physical  
4 confinement.

5 (e) "Sexual conduct" means any intentional or knowing  
6 touching or fondling by the victim or the accused, either  
7 directly or through clothing, of the sex organs, anus or breast  
8 of the victim or the accused, or any part of the body of a child  
9 under 13 years of age, or any transfer or transmission of semen  
10 by the accused upon any part of the clothed or unclothed body  
11 of the victim, for the purpose of sexual gratification or  
12 arousal of the victim or the accused.

13 (f) "Sexual penetration" means any contact, however  
14 slight, between the sex organ or anus of one person by an  
15 object, the sex organ, mouth or anus of another person, or any  
16 intrusion, however slight, of any part of the body of one  
17 person or of any animal or object into the sex organ or anus of  
18 another person, including but not limited to cunnilingus,  
19 fellatio or anal penetration. Evidence of emission of semen is  
20 not required to prove sexual penetration.

21 (g) "Victim" means a person alleging to have been subjected  
22 to an offense prohibited by Sections 12-13, 12-14, 12-15 or  
23 12-16 of this Code.

24 (Source: P.A. 91-116, eff. 1-1-00.)