



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB5664

Introduced 2/16/2012, by Rep. Keith Farnham - Michelle Mussman  
- Jerry F. Costello, II

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/3-5

from Ch. 38, par. 3-5

720 ILCS 5/3-6

from Ch. 38, par. 3-6

Amends the Criminal Code of 1961. Provides that a prosecution for criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, aggravated criminal sexual abuse, or criminal sexual abuse may be commenced at any time.

LRB097 15024 RLC 60095 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

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 3-5 and 3-6 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, concealment of homicidal death, treason, arson,  
15 aggravated arson, forgery, criminal sexual assault, aggravated  
16 criminal sexual assault, predatory criminal sexual assault of a  
17 child, aggravated criminal sexual abuse, criminal sexual  
18 abuse, child pornography under paragraph (1) of subsection (a)  
19 of Section 11-20.1, aggravated child pornography under  
20 paragraph (1) of subsection (a) of Section 11-20.1B, or (2) any  
21 offense involving sexual conduct or sexual penetration, as  
22 defined by Section 11-0.1 of this Code in which the DNA profile  
23 of the offender is obtained and entered into a DNA database

1 within 10 years after the commission of the offense, may be  
2 commenced at any time. Clause (2) of this subsection (a)  
3 applies if either: (i) the victim reported the offense to law  
4 enforcement authorities within 3 years after the commission of  
5 the offense unless a longer period for reporting the offense to  
6 law enforcement authorities is provided in Section 3-6 or (ii)  
7 the victim is murdered during the course of the offense or  
8 within 2 years after the commission of the offense.

9 (b) Unless the statute describing the offense provides  
10 otherwise, or the period of limitation is extended by Section  
11 3-6, a prosecution for any offense not designated in Subsection  
12 (a) must be commenced within 3 years after the commission of  
13 the offense if it is a felony, or within one year and 6 months  
14 after its commission if it is a misdemeanor.

15 (Source: P.A. 95-899, eff. 1-1-09; 96-292, eff. 1-1-10;  
16 96-1551, eff. 7-1-11.)

17 (720 ILCS 5/3-6) (from Ch. 38, par. 3-6)

18 Sec. 3-6. Extended limitations. The period within which a  
19 prosecution must be commenced under the provisions of Section  
20 3-5 or other applicable statute is extended under the following  
21 conditions:

22 (a) A prosecution for theft involving a breach of a  
23 fiduciary obligation to the aggrieved person may be commenced  
24 as follows:

25 (1) If the aggrieved person is a minor or a person

1 under legal disability, then during the minority or legal  
2 disability or within one year after the termination  
3 thereof.

4 (2) In any other instance, within one year after the  
5 discovery of the offense by an aggrieved person, or by a  
6 person who has legal capacity to represent an aggrieved  
7 person or has a legal duty to report the offense, and is  
8 not himself or herself a party to the offense; or in the  
9 absence of such discovery, within one year after the proper  
10 prosecuting officer becomes aware of the offense. However,  
11 in no such case is the period of limitation so extended  
12 more than 3 years beyond the expiration of the period  
13 otherwise applicable.

14 (b) A prosecution for any offense based upon misconduct in  
15 office by a public officer or employee may be commenced within  
16 one year after discovery of the offense by a person having a  
17 legal duty to report such offense, or in the absence of such  
18 discovery, within one year after the proper prosecuting officer  
19 becomes aware of the offense. However, in no such case is the  
20 period of limitation so extended more than 3 years beyond the  
21 expiration of the period otherwise applicable.

22 (c) (Blank).

23 (d) A prosecution for child pornography, aggravated child  
24 pornography, indecent solicitation of a child, soliciting for a  
25 juvenile prostitute, juvenile pimping, exploitation of a  
26 child, or promoting juvenile prostitution except for keeping a

1 place of juvenile prostitution may be commenced within one year  
2 of the victim attaining the age of 18 years. However, in no  
3 such case shall the time period for prosecution expire sooner  
4 than 3 years after the commission of the offense. ~~When the~~  
5 ~~victim is under 18 years of age, a prosecution for criminal~~  
6 ~~sexual abuse may be commenced within one year of the victim~~  
7 ~~attaining the age of 18 years. However, in no such case shall~~  
8 ~~the time period for prosecution expire sooner than 3 years~~  
9 ~~after the commission of the offense.~~

10 (e) Except as otherwise provided in Section 3-5 ~~subdivision~~  
11 ~~(j)~~, a prosecution for any offense involving sexual conduct or  
12 sexual penetration, as defined in Section 11-0.1 of this Code,  
13 where the defendant was within a professional or fiduciary  
14 relationship or a purported professional or fiduciary  
15 relationship with the victim at the time of the commission of  
16 the offense may be commenced within one year after the  
17 discovery of the offense by the victim.

18 (f) A prosecution for any offense set forth in Section 44  
19 of the "Environmental Protection Act", approved June 29, 1970,  
20 as amended, may be commenced within 5 years after the discovery  
21 of such an offense by a person or agency having the legal duty  
22 to report the offense or in the absence of such discovery,  
23 within 5 years after the proper prosecuting officer becomes  
24 aware of the offense.

25 (f-5) A prosecution for any offense set forth in Section  
26 16-30 of this Code may be commenced within 5 years after the

1 discovery of the offense by the victim of that offense.

2 (g) (Blank).

3 (h) (Blank).

4 (i) (Blank). ~~Except as otherwise provided in subdivision~~  
5 ~~(j), a prosecution for criminal sexual assault, aggravated~~  
6 ~~criminal sexual assault, or aggravated criminal sexual abuse~~  
7 ~~may be commenced within 10 years of the commission of the~~  
8 ~~offense if the victim reported the offense to law enforcement~~  
9 ~~authorities within 3 years after the commission of the offense.~~

10 ~~Nothing in this subdivision (i) shall be construed to~~  
11 ~~shorten a period within which a prosecution must be commenced~~  
12 ~~under any other provision of this Section.~~

13 (j) When the victim is under 18 years of age at the time of  
14 the offense, a prosecution for failure of a person who is  
15 required to report an alleged or suspected commission of any of  
16 the offenses listed in paragraphs (1) through (5) of this  
17 subsection (j) under the Abused and Neglected Child Reporting  
18 Act may be commenced within 20 years after the child victim  
19 attains 18 years of age:

20 (1) criminal sexual assault,

21 (2) aggravated criminal sexual assault,

22 (3) predatory criminal sexual assault of a child,

23 (4) aggravated criminal sexual abuse, or

24 (5) felony criminal sexual abuse. ~~, or a prosecution~~  
25 ~~for failure of a person who is required to report an~~  
26 ~~alleged or suspected commission of any of these offenses~~

1 ~~under the Abused and Neglected Child Reporting Act may be~~  
2 ~~commenced within 20 years after the child victim attains 18~~  
3 ~~years of age. When the victim is under 18 years of age at~~  
4 ~~the time of the offense, a prosecution for misdemeanor~~  
5 ~~criminal sexual abuse may be commenced within 10 years~~  
6 ~~after the child victim attains 18 years of age.~~

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

10 (k) A prosecution for theft involving real property  
11 exceeding \$100,000 in value under Section 16-1, identity theft  
12 under subsection (a) of Section 16-30, aggravated identity  
13 theft under subsection (b) of Section 16-30, or any offense set  
14 forth in Article 16H or Section 17-10.6 may be commenced within  
15 7 years of the last act committed in furtherance of the crime.

16 (Source: P.A. 96-233, eff. 1-1-10; 96-1551, Article 2, Section  
17 1035, eff. 7-1-11; 96-1551, Article 10, Section 10-140, eff.  
18 7-1-11; 97-597, eff. 1-1-12.)