

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 2012 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 may be commenced at any time for:

9 (1) first degree murder, attempt to commit first
10 degree murder, second degree murder, involuntary
11 manslaughter, reckless homicide, leaving the scene of a
12 motor vehicle accident involving death or personal
13 injuries under Section 11-401 of the Illinois Vehicle Code,
14 failing to give information and render aid under Section
15 11-403 of the Illinois Vehicle Code, concealment of
16 homicidal death, treason, arson, residential arson,
17 aggravated arson, or forgery; ~~child pornography under~~
18 ~~paragraph (1) of subsection (a) of Section 11-20.1,~~
19 ~~aggravated child pornography under paragraph (1) of~~
20 ~~subsection (a) of Section 11-20.1B, or~~

21 (1.5) any of the following offenses under this Code,
22 when the victim is under 18 years of age at the time of the
23 offense:

1 (i) solicitation to meet a child under Section
2 11-6.6;

3 (ii) child pornography under Section 11-20.1;

4 (iii) posting of identifying or graphic
5 information on a pornographic Internet site or
6 possessing graphic information with pornographic
7 material under Section 11-23;

8 (iv) non-consensual dissemination of private
9 sexual images under Section 11-23.5;

10 (v) grooming under Section 11-25; or

11 (vi) traveling to meet a minor under Section 11-26;

12 or

13 (2) any offense involving sexual conduct or sexual
14 penetration, as defined by Section 11-0.1 of this Code in
15 which the DNA profile of the offender is obtained and
16 entered into a DNA database within 10 years after the
17 commission of the offense, and ~~may be commenced at any~~
18 ~~time. Clause (2) of this subsection (a) applies if either:~~

19 (i) the victim reported the offense to law enforcement
20 authorities within 3 years after the commission of the
21 offense unless a longer period for reporting the offense to
22 law enforcement authorities is provided in Section 3-6 or
23 (ii) the victim is murdered during the course of the
24 offense or within 2 years after the commission of the
25 offense.

26 (b) Unless the statute describing the offense provides

1 otherwise, or the period of limitation is extended by Section
2 3-6, a prosecution for any offense not designated in Subsection
3 (a) must be commenced within 3 years after the commission of
4 the offense if it is a felony, or within one year and 6 months
5 after its commission if it is a misdemeanor.

6 (Source: P.A. 98-265, eff. 1-1-14.)

7 (720 ILCS 5/3-6) (from Ch. 38, par. 3-6)

8 Sec. 3-6. Extended limitations. The period within which a
9 prosecution must be commenced under the provisions of Section
10 3-5 or other applicable statute is extended under the following
11 conditions:

12 (a) A prosecution for theft involving a breach of a
13 fiduciary obligation to the aggrieved person may be commenced
14 as follows:

15 (1) If the aggrieved person is a minor or a person
16 under legal disability, then during the minority or legal
17 disability or within one year after the termination
18 thereof.

19 (2) In any other instance, within one year after the
20 discovery of the offense by an aggrieved person, or by a
21 person who has legal capacity to represent an aggrieved
22 person or has a legal duty to report the offense, and is
23 not himself or herself a party to the offense; or in the
24 absence of such discovery, within one year after the proper
25 prosecuting officer becomes aware of the offense. However,

1 in no such case is the period of limitation so extended
2 more than 3 years beyond the expiration of the period
3 otherwise applicable.

4 (b) A prosecution for any offense based upon misconduct in
5 office by a public officer or employee may be commenced within
6 one year after discovery of the offense by a person having a
7 legal duty to report such offense, or in the absence of such
8 discovery, within one year after the proper prosecuting officer
9 becomes aware of the offense. However, in no such case is the
10 period of limitation so extended more than 3 years beyond the
11 expiration of the period otherwise applicable.

12 (b-5) When the victim is under 18 years of age at the time
13 of the offense, a prosecution for involuntary servitude,
14 involuntary sexual servitude of a minor, or trafficking in
15 persons and related offenses under Section 10-9 of this Code
16 may be commenced within one year of the victim attaining the
17 age of 18 years. However, in no such case shall the time period
18 for prosecution expire sooner than 3 years after the commission
19 of the offense.

20 (c) (Blank).

21 (d) A prosecution for ~~child pornography, aggravated child~~
22 ~~pornography,~~ indecent solicitation of a child, soliciting for a
23 juvenile prostitute, juvenile pimping, exploitation of a
24 child, or promoting juvenile prostitution except for keeping a
25 place of juvenile prostitution may be commenced within one year
26 of the victim attaining the age of 18 years. However, in no

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

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

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

23 (f-5) A prosecution for any offense set forth in Section
24 16-30 of this Code may be commenced within 5 years after the
25 discovery of the offense by the victim of that offense.

26 (g) (Blank).

1 (h) (Blank).

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

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

11 (i-5) A prosecution for armed robbery, home invasion,
12 kidnapping, or aggravated kidnaping may be commenced within 10
13 years of the commission of the offense if it arises out of the
14 same course of conduct and meets the criteria under one of the
15 offenses in subsection (i) of this Section.

16 (j) (1) When the victim is under 18 years of age at the
17 time of the offense, a prosecution for criminal sexual assault,
18 aggravated criminal sexual assault, predatory criminal sexual
19 assault of a child, aggravated criminal sexual abuse, or felony
20 criminal sexual abuse may be commenced at any time when
21 corroborating physical evidence is available or an individual
22 who is required to report an alleged or suspected commission of
23 any of these offenses under the Abused and Neglected Child
24 Reporting Act fails to do so.

25 (2) In circumstances other than as described in paragraph
26 (1) of this subsection (j), when the victim is under 18 years

1 of age at the time of the offense, a prosecution for criminal
2 sexual assault, aggravated criminal sexual assault, predatory
3 criminal sexual assault of a child, aggravated criminal sexual
4 abuse, or felony criminal sexual abuse, or a prosecution for
5 failure of a person who is required to report an alleged or
6 suspected commission of any of these offenses under the Abused
7 and Neglected Child Reporting Act may be commenced within 20
8 years after the child victim attains 18 years of age.

9 (3) When the victim is under 18 years of age at the time of
10 the offense, a prosecution for misdemeanor criminal sexual
11 abuse may be commenced within 10 years after the child victim
12 attains 18 years of age.

13 (4) Nothing in this subdivision (j) shall be construed to
14 shorten a period within which a prosecution must be commenced
15 under any other provision of this Section.

16 (j-5) A prosecution for armed robbery, home invasion,
17 kidnapping, or aggravated kidnaping may be commenced at any
18 time if it arises out of the same course of conduct and meets
19 the criteria under one of the offenses in subsection (j) of
20 this Section.

21 (k) A prosecution for theft involving real property
22 exceeding \$100,000 in value under Section 16-1, identity theft
23 under subsection (a) of Section 16-30, aggravated identity
24 theft under subsection (b) of Section 16-30, or any offense set
25 forth in Article 16H or Section 17-10.6 may be commenced within
26 7 years of the last act committed in furtherance of the crime.

1 (1) A prosecution for any offense set forth in Section 26-4
2 of this Code may be commenced within one year after the
3 discovery of the offense by the victim of that offense.

4 (Source: P.A. 98-293, eff. 1-1-14; 98-379, eff. 1-1-14; 98-756,
5 eff. 7-16-14; 99-234, eff. 8-3-15.)