

HB5805



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB5805

by Rep. Michelle Mussman

SYNOPSIS AS INTRODUCED:

720 ILCS 5/3-5
720 ILCS 5/3-6

from Ch. 38, par. 3-5
from Ch. 38, par. 3-6

Amends the Criminal Code of 2012. Provides that a prosecution for theft of property (rather than involving real property) exceeding \$100,000 in value or financial exploitation of an elderly person or a person with a disability may be commenced within 7 years of the last act committed in furtherance of the crime. Effective immediately.

LRB099 18366 RLC 42741 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 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 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 residential arson, aggravated arson, forgery, child
16 pornography under paragraph (1) of subsection (a) of Section
17 11-20.1, aggravated child pornography under paragraph (1) of
18 subsection (a) of Section 11-20.1B, or (2) any offense
19 involving sexual conduct or sexual penetration, as defined by
20 Section 11-0.1 of this Code in which the DNA profile of the
21 offender is obtained and entered into a DNA database within 10
22 years after the commission of the offense, may be commenced at
23 any time. Clause (2) of this subsection (a) applies if either:

1 (i) the victim reported the offense to law enforcement
2 authorities within 3 years after the commission of the offense
3 unless a longer period for reporting the offense to law
4 enforcement authorities is provided in Section 3-6 or (ii) the
5 victim is murdered during the course of the offense or within 2
6 years after the commission of the offense.

7 (a-5) A prosecution for theft of property exceeding
8 \$100,000 in value under Section 16-1, identity theft under
9 subsection (a) of Section 16-30, aggravated identity theft
10 under subsection (b) of Section 16-30, financial exploitation
11 of an elderly person or a person with a disability under
12 Section 17-56; or any offense set forth in Article 16H or
13 Section 17-10.6 may be commenced within 7 years of the last act
14 committed in furtherance of the crime.

15 (b) Unless the statute describing the offense provides
16 otherwise, or the period of limitation is extended by Section
17 3-6, a prosecution for any offense not designated in subsection
18 subsection (a) or (a-5) must be commenced within 3 years after
19 the commission of the offense if it is a felony, or within one
20 year and 6 months after its commission if it is a misdemeanor.

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

22 (720 ILCS 5/3-6) (from Ch. 38, par. 3-6)

23 Sec. 3-6. Extended limitations. The period within which a
24 prosecution must be commenced under the provisions of Section
25 3-5 or other applicable statute is extended under the following

1 conditions:

2 (a) A prosecution for theft involving a breach of a
3 fiduciary obligation to the aggrieved person may be commenced
4 as follows:

5 (1) If the aggrieved person is a minor or a person
6 under legal disability, then during the minority or legal
7 disability or within one year after the termination
8 thereof.

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

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

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

9 (c) (Blank).

10 (d) A prosecution for child pornography, aggravated child
11 pornography, indecent solicitation of a child, soliciting for a
12 juvenile prostitute, juvenile pimping, exploitation of a
13 child, or promoting juvenile prostitution except for keeping a
14 place of juvenile prostitution may be commenced within one year
15 of the victim attaining the age of 18 years. However, in no
16 such case shall the time period for prosecution expire sooner
17 than 3 years after the commission of the offense. When the
18 victim is under 18 years of age, a prosecution for criminal
19 sexual abuse may be commenced within one year of the victim
20 attaining the age of 18 years. However, in no such case shall
21 the time period for prosecution expire sooner than 3 years
22 after the commission of the offense.

23 (e) Except as otherwise provided in subdivision (j), a
24 prosecution for any offense involving sexual conduct or sexual
25 penetration, as defined in Section 11-0.1 of this Code, where
26 the defendant was within a professional or fiduciary

1 relationship or a purported professional or fiduciary
2 relationship with the victim at the time of the commission of
3 the offense may be commenced within one year after the
4 discovery of the offense by the victim.

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

12 (f-5) A prosecution for any offense set forth in Section
13 16-30 of this Code may be commenced within 5 years after the
14 discovery of the offense by the victim of that offense.

15 (g) (Blank).

16 (h) (Blank).

17 (i) Except as otherwise provided in subdivision (j), a
18 prosecution for criminal sexual assault, aggravated criminal
19 sexual assault, or aggravated criminal sexual abuse may be
20 commenced within 10 years of the commission of the offense if
21 the victim reported the offense to law enforcement authorities
22 within 3 years after the commission of the offense.

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

26 (i-5) A prosecution for armed robbery, home invasion,

1 kidnapping, or aggravated kidnaping may be commenced within 10
2 years of the commission of the offense if it arises out of the
3 same course of conduct and meets the criteria under one of the
4 offenses in subsection (i) of this Section.

5 (j) (1) When the victim is under 18 years of age at the
6 time of the offense, a prosecution for criminal sexual assault,
7 aggravated criminal sexual assault, predatory criminal sexual
8 assault of a child, aggravated criminal sexual abuse, or felony
9 criminal sexual abuse may be commenced at any time when
10 corroborating physical evidence is available or an individual
11 who is required to report an alleged or suspected commission of
12 any of these offenses under the Abused and Neglected Child
13 Reporting Act fails to do so.

14 (2) In circumstances other than as described in paragraph
15 (1) of this subsection (j), when the victim is under 18 years
16 of age at the time of the offense, a prosecution for criminal
17 sexual assault, aggravated criminal sexual assault, predatory
18 criminal sexual assault of a child, aggravated criminal sexual
19 abuse, or felony criminal sexual abuse, or a prosecution for
20 failure of a person who is required to report an alleged or
21 suspected commission of any of these offenses under the Abused
22 and Neglected Child Reporting Act may be commenced within 20
23 years after the child victim attains 18 years of age.

24 (3) When the victim is under 18 years of age at the time of
25 the offense, a prosecution for misdemeanor criminal sexual
26 abuse may be commenced within 10 years after the child victim

1 attains 18 years of age.

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

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

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

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

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

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