

Criminal Sexual Abuse Laws

Criminal Sexual Abuse 720 ILCS 5/11-1.50	Aggravated Criminal Sexual Abuse 720 ILCS 5/11-1.60
<p style="text-align: center;">Sexual Conduct + 1 of 2 circumstances:</p> <ol style="list-style-type: none"> 1. Force or threat of force 2. Victim unable to understand nature of act or give knowing consent <p style="text-align: center;"><u>First conviction:</u> Class 4 felony Probation or 1-3 years incarceration</p> <p style="text-align: center;"><u>Second or subsequent conviction:</u> Class 2 felony: Probation or 3-7 years incarceration</p> <p style="text-align: center;">OR</p> <p style="text-align: center;">Sexual Conduct or Penetration + 1 of 2 circumstances</p> <ol style="list-style-type: none"> 1. Victim = 9 thru 16 Accused = under 17 years 2. Victim = 13 thru 16 Accused = less than 5 years older <p style="text-align: center;"><u>First or subsequent conviction:</u> Class A misdemeanor Up to 1 year incarceration</p>	<p style="text-align: center;">Criminal Sexual Abuse + any of the following aggravating factors:</p> <ol style="list-style-type: none"> 1. Dangerous weapon 2. Bodily harm* 3. Victim 60 or older 4. Victim has physical disability 5. Threatening life of victim or other 6. Commission of other felony 7. Accused delivered any controlled substance to victim <p style="text-align: center;">OR</p> <p style="text-align: center;">Sexual Conduct + 1 of 8 circumstances</p> <ol style="list-style-type: none"> 1. Victim = 17 years or under; Accused = family member** 2. Victim = 12 years or under; Accused = 17 years or over 3. Victim = 13 thru 16 years Accused = 17 years or over and force or threat of force 4. Victim = 8 years or under; Accused = under 17 years 5. Victim = 9 thru 16 Accused = under 17 years and force or threat of force 6. Or sexual penetration: Victim = 13 thru 16 Accused = at least 5 years older 7. Victim = person with severe or profound intellectual disability 8. Victim = 13 thru 17 Accused = 17 years or over and held position of trust, authority, or supervision in relation to victim <p style="text-align: center;">Class 2 felony: Probation or 3-7 years incarceration</p>
<p>* Bodily harm = physical harm, and includes, but is not limited to, STDs, pregnancy, and impotence</p> <p>** Family member = parent, grandparent, child, aunt, uncle, great-aunt, or great-uncle (by whole blood, half-blood, or adoption); includes step-grandparent, step-parent, or step-child, or resided for 6 months with child under 18</p>	
<p>Defenses: 1) Denial of act; 2) Consent – if force is element</p>	
<p>Special Defense: Accused reasonably believed victim 17 years or over</p>	
<p>Statutes of Limitation: (Unless otherwise provided) Felony = 3 years Misdemeanor = 18 months</p>	<p>Extended Statutes of Limitation: <u>Adult victim:</u> Felony = 10 years if reported within 3 years No SOL if DNA + 1) reported within 10 years; or 2) victim murdered w/in 2 years of offense <u>Minor victim:</u> Felony = until age 38; Misdemeanor = until age 28 No SOL if 1) physical evidence; or 2) mandated reporter failed to report</p>