

## Criminal Sexual Assault Laws

Criminal Sexual Assault 720 ILCS 5/11-1.20	Aggravated Criminal Sexual Assault 720 ILCS 5/11-1.30	Predatory Criminal Sexual Assault 720 ILCS 5/11-1.40
<p style="text-align: center;"><b>Sexual Penetration</b> + <b>1 of 4 circumstances:</b></p> <ol style="list-style-type: none"> <li>1. Force or threat of force</li> <li>2. Victim unable to understand nature of act or give knowing consent</li> <li>3. Victim under 18 years and accused is family member**</li> <li>4. Victim at least 13 years but under 18 years and accused was 17 years or over and held position of trust, authority, or supervision in relation to the victim</li> </ol>	<p style="text-align: center;"><b>Criminal Sexual Assault</b> + <b>1 aggravating factor:</b></p> <ol style="list-style-type: none"> <li>1. Dangerous weapon</li> <li>2. Bodily harm*</li> <li>3. Threatened/endangered life of victim/other</li> <li>4. Commission of other felony</li> <li>5. Victim 60 or older</li> <li>6. Victim has physical disability</li> <li>7. Accused delivered any controlled substance to victim</li> <li>8. Accused armed with firearm</li> <li>9. Accused discharged firearm</li> <li>10. Accused discharged firearm; great bodily harm/disability/disfigurement/death</li> </ol> <p style="text-align: center;"><b>OR</b></p> <p style="text-align: center;"><b>Sexual Penetration +</b> <b>1 of 3 circumstances:</b></p> <ol style="list-style-type: none"> <li>A. Victim = 8 or under Accused = under 17 years</li> <li>B. Victim = 9 thru 12 + force/threat of force Accused = under 17 years</li> <li>C. Victim = person w/ severe or profound intellectual disability</li> </ol>	<p style="text-align: center;"><b>Sexual Penetration or Contact (for sexual gratification or arousal)</b> + <b>Accused = 17 years or over</b> <b>Victim = 12 years or under</b></p> <p style="text-align: center;"><b>OR</b></p> <p style="text-align: center;"><b>Sexual Penetration/Contact (for sexual gratification or arousal)</b> + <b>Accused = 17 years or over</b> <b>Victim = 12 years or under</b> +</p> <p style="text-align: center;"><b>1 of 4 circumstances:</b></p> <ol style="list-style-type: none"> <li>A. Accused armed with firearm</li> <li>B. Accused discharged firearm</li> <li>C. Accused caused great bodily harm to victim that:                             <ol style="list-style-type: none"> <li>(i) resulted in permanent disability; or</li> <li>(ii) was life threatening</li> </ol> </li> <li>D. Delivered any controlled substance to victim</li> </ol>
<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>		
<ul style="list-style-type: none"> <li>• First conviction: Class 1 felony: 4-15 years</li> <li>• Second or subsequent conviction: Class X felony: 6-30 years; 30-60 years; or natural life</li> </ul>	<ul style="list-style-type: none"> <li>• First conviction: Class X felony: 6-30 years</li> <li>• Possible enhanced penalty for #1 – add 10 years; #8 – add 15 years; #9 – add 20 years; and #10 – add 25 years to natural life</li> <li>• Second or subsequent conviction: Class X felony: natural life</li> </ul>	<ul style="list-style-type: none"> <li>• First conviction: Class X felony: 6-60 years</li> <li>• Possible enhanced penalty for A. – add 15 years; B. – add 20 years; C. – add 50 years to natural life; and D. – 50-60 years; 2 or more victims = natural life</li> <li>• Second or subsequent conviction: Class X felony: natural life</li> </ul>
<p><b>Defenses:</b> 1) Denial of Act; 2) Consent – if force is element</p>		
<p><b>Statutes of Limitation:</b> (Unless otherwise provided) Felony = 3 years Misdemeanor = 18 months</p>	<p><b>Extended Statutes of Limitation:</b> <u>Adult victim:</u> Felony = 10 years if reported within 3 years No SOL if DNA + 1) reported w/in 10 years; or 2) victim murdered w/in 2 years of offense <u>Minor victim:</u> Felony = No SOL; Misdemeanor = until age 28</p>	