

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;">Sexual Penetration + 1 of 4 circumstances:</p> <ol style="list-style-type: none"> Force or threat of force Victim unable to understand nature of act or give knowing consent Victim under 18 years and accused is family member** 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 	<p style="text-align: center;">Criminal Sexual Assault + 1 aggravating factor:</p> <ol style="list-style-type: none"> Dangerous weapon Bodily harm* Threatened/endangered life of victim/other Commission of other felony Victim 60 or older Victim has physical disability Accused delivered any controlled substance to victim Accused armed with firearm Accused discharged firearm Accused discharged firearm; great bodily harm/disability/disfigurement/death <p style="text-align: center;">OR</p> <p style="text-align: center;">Sexual Penetration + 1 of 3 circumstances:</p> <ol style="list-style-type: none"> Victim = 8 or under Accused = under 17 years Victim = 9 thru 12 + force/threat of force Accused = under 17 years Victim = person w/ severe or profound intellectual disability 	<p style="text-align: center;">Sexual Penetration or Contact (for sexual gratification or arousal) + Accused = 17 years or older Victim = 12 years or under OR Sexual Penetration/Contact (for sexual gratification or arousal) + Accused = 17 years or older Victim = 12 years or under + 1 of 4 circumstances:</p> <ol style="list-style-type: none"> Accused armed with firearm Accused discharged firearm Accused caused great bodily harm to victim that: <ol style="list-style-type: none"> resulted in permanent disability; or was life threatening Delivered any controlled substance to victim
<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"> First conviction: Class 1 felony: 4-15 years Second or subsequent conviction: Class X felony: 6-30 years; 30-60 years; or natural life 	<ul style="list-style-type: none"> First conviction: Class X felony: 6-30 years Possible enhanced penalty for #1 – add 10 years; #8 – add 15 years; #9 – add 20 years; and #10 – add 25 years to natural life Second or subsequent conviction: Class X felony: natural life 	<ul style="list-style-type: none"> First conviction: Class X felony: 6-60 years 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 Second or subsequent conviction: Class X felony: natural life
<p>Defenses: 1) Denial of Act; 2) Consent, if force is element; 3) Accused reasonably believed the person was 17, if age is element – 720 ILCS 5/11-1.70)</p>		
<p>Statutes of Limitation: (Unless otherwise provided) Felony = 3 years Misdemeanor = 18 months</p>	<p>Extended Statutes of Limitation: <u>Adult victim:</u> Any offense involving sexual conduct or sexual penetration = No SOL (effective January 1, 2020; prior to that, 10 years if reported to law enforcement within 3 years) <u>Minor victim:</u> Felony = No SOL; Misdemeanor = until age 28</p>	

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"> Force or threat of force 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 <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"> Victim = 9 thru 16 Accused = under 17 years 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"> Dangerous weapon Bodily harm* Victim 60 or older Victim has physical disability Threatening life of victim or other Commission of other felony 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"> Victim = 17 years or under; Accused = family member** Victim = 12 years or under; Accused = 17 years or older Victim = 13-16 years; Accused = 17 years or older and force or threat of force Victim = 8 years or under; Accused = under 17 years Victim = 9- 16; Accused = under 17 years and force or threat of force Sexual conduct or sexual penetration: Victim = 13-16; Accused = at least 5 years older than victim Victim = person with severe or profound intellectual disability Victim = Under 18; Accused = 17 years or older and held position of trust, authority, or supervision in relation to victim <p style="text-align: center;">All except #8 = Class 2 felony: Probation or 3-7 years incarceration For #8 = Class 1 felony: 4-15 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><u>Defenses:</u> 1) Denial of act; 2) Consent, if force is element; 3) Accused reasonably believed the person was 17, if age is element – 720 ILCS 5/11-1.70</p>	
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