

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
Sexual Penetration + 1 of 4 circumstances: - 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	Criminal Sexual Assault + 1 aggravating factor: - 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 OR Sexual Penetration + 1 of 3 circumstances: - 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	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: - Accused armed with firearm - Accused discharged firearm - Accused caused great bodily harm to victim that: - resulted in permanent disability; or - was life threatening - Delivered any controlled substance to victim
* Bodily harm = physical harm, and includes, but is not limited to, STDs, pregnancy, and impotence ** 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		
- First conviction: Class 1 felony: 4-15 years - Second or subsequent conviction: Class X felony: 6-30 years; 30-60 years; or natural life	- 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	- 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
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)		
Statutes of Limitation: (Unless otherwise provided) Felony = 3 years Misdemeanor = 18 months	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	

Criminal Sexual Abuse Laws

Criminal Sexual Abuse 720 ILCS 5/11-1.50	Aggravated Criminal Sexual Abuse 720 ILCS 5/11-1.60
Sexual Conduct + 1 of 2 circumstances: - Force or threat of force - Victim unable to understand nature of act or give knowing consent <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 OR Sexual Conduct or Penetration + 1 of 2 circumstances - Victim = 9 thru 16 Accused = under 17 years - Victim = 13 thru 16 Accused = less than 5 years older <u>First or subsequent conviction:</u> Class A misdemeanor Up to 1 year incarceration	Criminal Sexual Abuse + any of the following aggravating factors: - 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 OR Sexual Conduct + 1 of 8 circumstances - 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 All except #8 = Class 2 felony: Probation or 3-7 years incarceration For #8 = Class 1 felony: 4-15 years incarceration
* Bodily harm = physical harm, and includes, but is not limited to, STDs, pregnancy, and impotence ** 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	
<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	
<u>Statutes of Limitation:</u> (Unless otherwise provided) Felony = 3 years Misdemeanor = 18 months	<u>Extended Statutes of Limitation:</u> <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