

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"> 1. Force or threat of force 2. Victim unable to understand nature of act or give knowing consent 3. Victim under 18 years and accused is family member** 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 	<p style="text-align: center;">Criminal Sexual Assault + 1 aggravating factor:</p> <ol style="list-style-type: none"> 1. Dangerous weapon 2. Bodily harm* 3. Threatened/endangered life of victim/other 4. Commission of other felony 5. Victim 60 or older 6. Victim has physical disability 7. Accused delivered any controlled substance to victim 8. Accused armed with firearm 9. Accused discharged firearm 10. 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"> A. Victim = 8 or under Accused = under 17 years B. Victim = 9 thru 12 + force/threat of force Accused = under 17 years C. 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 over Victim = 12 years or under</p> <p style="text-align: center;">OR</p> <p style="text-align: center;">Sexual Penetration/Contact (for sexual gratification or arousal) + Accused = 17 years or over Victim = 12 years or under + 1 of 4 circumstances:</p> <ol style="list-style-type: none"> A. Accused armed with firearm B. Accused discharged firearm C. Accused caused great bodily harm to victim that: <ol style="list-style-type: none"> (i) resulted in permanent disability; or (ii) was life threatening D. 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</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 w/in 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>	