

# Criminal Statutes of Limitations Illinois

*Last Updated: March 2020*

## **Criminal sexual assault**

Question	Answer
What is the statute of limitations for this crime?	Depending upon the applicable facts, criminal sexual assault is a Class One (1) or a Class X felony.  1. A prosecution for this offense may be commenced at any time.
Statutory citation(s):	1. Citation for the crime: 720 Ill. Comp. Stat. § 5/11-1.20. 2. Citation for the statute of limitations: 720 Ill. Comp. Stat. § 5/3-5; 720 Ill. Comp. Stat. §§ 5/3-6(e), (i), (j).

## **Aggravated criminal sexual assault**

Question	Answer
What is the statute of limitations for this crime?	Aggravated criminal sexual assault is a Class X felony.  1. A prosecution for this offense may be commenced at any time.
Statutory citation(s):	1. Citation for the crime: 720 Ill. Comp. Stat. § 5/11-1.30. 2. Citation for the statute of limitations: 720 Ill. Comp. Stat. § 5/3-5; 720 Ill. Comp. Stat. §§ 5/3-6(e), (i), (j).

## **Predatory criminal sexual assault of a child (i.e., victim under the age of thirteen (13))**

Question	Answer
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What is the statute of limitations for this crime?	<p>Predatory criminal sexual assault of a child is a Class X felony.</p> <p>1. A prosecution for this offense may be commenced at any time.</p>
Statutory citation(s):	<p>1. Citation for the crime: 720 Ill. Comp. Stat. § 5/11-1.40.</p> <p>2. Citation for the statute of limitations: 720 Ill. Comp. Stat. § 5/3-5; 720 Ill. Comp. Stat. § 5/3-6(e), (i), (j).</p>

## Criminal sexual abuse

Question	Answer
What is the statute of limitations for this crime?	<p>The classification of criminal sexual abuse depends on the following:</p> <ul style="list-style-type: none"> <li>• Class A Misdemeanor: If (a) the offender is under seventeen (17) years of age and the victim is at least nine (9) years old and under seventeen (17); or (b) the victim is at least thirteen (13) years of age but less than seventeen (17) years of age, and the offender is less than five (5) years older than the victim.</li> <li>• If the above circumstances do not apply, the first offense is a Class Four (4) felony. A second or subsequent violation is a Class Two (2) felony.</li> </ul> <p>The applicable statute of limitations depends upon the classification of the crime, pursuant to the guidelines outlined above.</p> <p>Misdemeanor:</p> <ol style="list-style-type: none"> <li>1. If the victim was under the age of eighteen (18) at the time of the offense, a prosecution may be commenced within ten (10) years after the child victim attains eighteen (18) years of age.</li> <li>2. If nothing else set forth here applies, a prosecution must be commenced within eighteen (18) months of the commission of the offense.</li> </ol> <p>Felony:</p> <ol style="list-style-type: none"> <li>1. If the victim is under 18 years of age at the time of the offense, a prosecution for felony criminal sexual abuse may be commenced at any time.</li> <li>2. If the victim is under 18 years of age at the time of the offense, a prosecution for failure of a person who is required to report an alleged or suspected commission of felony criminal sexual abuse under the Abused and Neglected Child Reporting Act may be commenced within 20 years after the child victim attains 18 years of age.</li> </ol>

	3. Nothing in this subdivision shall be construed to shorten a period within which a prosecution must be commenced under any other provision of this Section.
Statutory citation(s):	1. Citation for the crime: 720 Ill. Comp. Stat. § 5/11-1.50 2. Citation for the statute of limitations: 720 Ill. Comp. Stat. §§ 5/3-5; 5/3-6

### **Aggravated criminal sexual abuse**

Question	Answer
What is the statute of limitations for this crime?	Aggravated criminal sexual abuse is a Class Two (2) felony.  1. A prosecution for this offense may be commenced at any time.
Statutory citation(s):	1. Citation for the crime: 720 Ill. Comp. Stat. § 5/11-1.60 2. Citation for the statute of limitations: 720 Ill. Comp. Stat. § 5/3-5; 720 Ill. Comp. Stat. § 5/3-6 (e), (i), (j)

### **Indecent solicitation of a child (i.e., a person under seventeen (17))**

Question	Answer
What is the statute of limitations for this crime?	<p>Indecent solicitation of a child is classified as follows:</p> <ul style="list-style-type: none"> <li>• Class One (1) felony when the act, if done, would be predatory criminal sexual assault of a child or aggravated criminal sexual assault;</li> <li>• Class Two (2) felony when the act, if done, would be criminal sexual assault;</li> <li>• Class Three (3) felony when the act, if done, would be aggravated criminal sexual abuse; or</li> <li>• Class Four (4) felony if the offender discusses an act of sexual conduct or sexual penetration with a child or person whom the offender believes is a child by means of the internet, with the intent that the offense of aggravated criminal sexual assault, predatory criminal sexual assault of a child, or aggravated criminal sexual abuse be committed.</li> </ul> <p>The statute of limitations depends upon the classification of the crime, detailed above.</p> <p>1. A prosecution for indecent solicitation of a child may be commenced within one year of the victim attaining the age of 18 years. However, in no such case shall the time period for prosecution expire</p>

	sooner than 3 years after the commission of the offense.
Statutory citation(s):	1. Citation for the crime: 720 Ill. Comp. Stat. § 5/11-6. 2. Citation for the statute of limitations: 720 Ill. Comp. Stat. § 5/3-5; 720 Ill. Comp. Stat. § 5/3-6(d).

## Indecent solicitation of an adult

Question	Answer
What is the statute of limitations for this crime?	<p>Indecent solicitation of an adult is classified as follows:</p> <ul style="list-style-type: none"> <li>• Class X felony if the offender arranges for a person age seventeen (17) or over to commit an act of sexual penetration with a person under the age of thirteen (13);</li> <li>• Class One (1) felony if the offender arranges for a person age seventeen (17) or over to commit an act of sexual penetration with a person thirteen (13) years of age or older but under the age of seventeen (17);</li> <li>• Class Two (2) felony if the offender arranges for a person aged seventeen (17) or over to commit an act of sexual conduct with a person under the age of thirteen (13); or</li> <li>• Class A misdemeanor if the offender arranges for a person aged seventeen (17) or over to commit an act of sexual conduct with a person aged thirteen (13) years or older but under the age of seventeen (17).</li> </ul> <p>The statute of limitations depends upon the classification of the crime, detailed above.</p> <ol style="list-style-type: none"> <li>1. If a felony, legal proceedings against the offender must commence within three (3) years after commission of the offense; or</li> <li>2. If a misdemeanor, legal proceedings against the offender must commence within eighteen (18) months after commission of the offense.</li> </ol>
Statutory citation(s):	1. Citation for the crime: 720 Ill. Comp. Stat. § 5/11-6.5. 2. Citation for the statute of limitations: 720 Ill. Comp. Stat. § 5/3-5.

## Solicitation to meet a child (i.e., person under the age of seventeen (17))

Question	Answer
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What is the statute of limitations for this crime?	Solicitation to meet a child is a Class Four (4) felony if the offender believes he or she is five (5) or more years older than the child. Otherwise, this crime is a Class A misdemeanor. <ol style="list-style-type: none"> <li>1. If a felony, legal proceedings against the offender must commence within three (3) years after commission of the offense; or</li> <li>2. If a misdemeanor, legal proceedings must commence within one year and 6 months (18 months) after commission of the offense.</li> </ol>
Statutory citation(s):	<ol style="list-style-type: none"> <li>1. Citation for the crime: 720 Ill. Comp. Stat. § 5/11-6.6.</li> <li>2. Citation for the statute of limitations: 720 Ill. Comp. Stat. § 5/3-5.</li> </ol>

### Sexual exploitation of a child

Question	Answer
What is the statute of limitations for this crime?	Sexual exploitation of a child is a Class Four (4) felony if the offender has been previously convicted of a sex offense, the victim was under the age of thirteen (13) at the time of the offense, or the violation is committed on or within five hundred (500) feet of elementary or secondary school grounds while children are present. Otherwise, this crime is a Class A misdemeanor. <ol style="list-style-type: none"> <li>1. If a felony, legal proceedings against the offender must commence within three (3) years after commission of the offense; or</li> <li>2. A prosecution for sexual exploitation of a child may be commenced within one (1) year of the victim attaining the age of eighteen (18) years. However, in no case shall the time period for prosecution expire sooner than three (3) years after the commission of the offense.</li> <li>3. If a misdemeanor, legal proceedings against the offender must commence within eighteen (18) months after commission of the offense.</li> </ol>
Statutory citation(s):	<ol style="list-style-type: none"> <li>1. Citation for the crime: 720 Ill. Comp. Stat. § 5/11-9.1</li> <li>2. Citation for the statute of limitations: 720 Ill. Comp. Stat. § 5/3-5 and 720 Ill. Comp. Stat. § 5/3-6(d)</li> </ol>

### Permitting sexual abuse of a child

Question	Answer
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What is the statute of limitations for this crime?	<p>Permitting sexual abuse of a child is a Class One (1) felony.</p> <p>1. For all felonies, legal proceedings against the offender must commence within three (3) years after commission of the offense.</p>
Statutory citation(s):	<p>1. Citation for the crime: 720 Ill. Comp. Stat. § 5/11-9.1A</p> <p>2. Citation for the statute of limitations: 720 Ill. Comp. Stat. § 5/3-5</p>

## Custodial sexual misconduct

Question	Answer
What is the statute of limitations for this crime?	<p>Custodial sexual misconduct is a Class Three (3) felony.</p> <ol style="list-style-type: none"> <li>1. A prosecution for any offense involving sexual conduct<sup>[1]</sup> or sexual penetration<sup>[2]</sup> may be commenced at any time.</li> <li>2. If the offender held a professional or fiduciary relationship or a purported professional or fiduciary relationship with the victim at the time of the commission of the offense, a prosecution may be commenced within one (1) year after the discovery of the offense by the victim.</li> </ol> <p>If neither of the above applies, legal proceedings against the offender must commence within three (3) years after the commission of the offense.</p> <p><sup>[1]</sup> “Sexual conduct” is defined as “any knowing touching or fondling by the victim or the accused, either directly or through clothing, of the sex organs, anus, or breast of the victim or the accused, or any part of the body of a child under 13 years of age, or any transfer or transmission of semen by the accused upon any part of the clothed or unclothed body of the victim, for the purpose of sexual gratification or arousal of the victim or the accused.” 720 Ill. Comp. Stat. § 5/11-0.1.</p> <p><sup>[2]</sup> “Sexual penetration” is defined as “any contact, however slight, between the sex organ or anus of one person and an object or the sex organ, mouth, or anus of another person, or any intrusion, however slight, of any part of the body of one person or of any animal or object into the sex organ or anus of another person, including, but not limited to, cunnilingus, fellatio, or anal penetration. Evidence of emission of semen is not required to prove sexual penetration.”</p>
Statutory citation(s):	<p>1. Citation for the crime: 720 Ill. Comp. Stat. § 5/11-9.2.</p> <p>2. Citation for the statute of limitations: 720 Ill. Comp. Stat. §§ 5/3-5; 5/3-6.</p>

## Sexual misconduct with a person with a disability

Question	Answer
What is the statute of limitations for this crime?	Sexual misconduct with a person with a disability is a Class Three (3) felony. <ol style="list-style-type: none"><li>1. A prosecution for any offense involving sexual conduct or sexual penetration may be commenced at any time.</li><li>2. If the offender held a professional or fiduciary relationship or a purported professional or fiduciary relationship with the victim at the time of the commission of the offense, a prosecution may be commenced within one (1) year after the discovery of the offense by the victim.</li><li>3. If neither of the above applies, legal proceedings against the offender must commence within three (3) years after the commission of the offense.</li></ol>
Statutory citation(s):	<ol style="list-style-type: none"><li>1. Citation for the crime: 720 Ill. Comp. Stat. § 5/11-9.5.</li><li>2. Citation for the statute of limitations: 720 Ill. Comp. Stat. §§ 5/3-5; 5/3-6.</li></ol>

## Sexual relations within families

Question	Answer
What is the statute of limitations for this crime?	Sexual relations within families is a Class Three (3) felony. <ol style="list-style-type: none"><li>1. A prosecution for any offense involving sexual conduct or sexual penetration may be commenced at any time.</li><li>2. If the offender held a professional or fiduciary relationship or a purported professional or fiduciary relationship with the victim at the time of the commission of the offense, a prosecution may be commenced within one (1) year after the discovery of the offense by the victim.</li><li>3. If neither of the above applies, legal proceedings against the offender must commence within three (3) years after the commission of the offense.</li></ol>
Statutory citation(s):	<ol style="list-style-type: none"><li>1. Citation for the crime: 720 Ill. Comp. Stat. § 5/11-11.</li><li>2. Citation for the statute of limitations: 720 Ill. Comp. Stat. §§ 5/3-5; 5/3-6.</li></ol>

## Grooming

Question	Answer
What is the statute of limitations for this crime?	Grooming is a Class Four (4) felony.  1. For all felonies, legal proceedings against the offender must commence within three (3) years after commission of the offense.
Statutory citation(s):	1. Citation for the crime: 720 Ill. Comp. Stat. § 5/11-25. 2. Citation for the statute of limitations: 720 Ill. Comp. Stat. § 5/3-5.

## Criminal transmission of HIV

Question	Answer
What is the statute of limitations for this crime?	Criminal transmission of HIV is a Class Two (2) felony.  1. Legal proceedings against the offender must commence within three (3) years after commission of the offense.
Statutory citation(s):	1. Citation for the crime: 720 Ill. Comp. Stat. § 5/12-5.01. 2. Citation for the statute of limitations: 720 Ill. Comp. Stat. § 5/3-5.

## Traveling to meet a minor (or luring for the purposes of engaging in any sex offense)

Question	Answer
What is the statute of limitations for this crime?	This crime is a Class Three (3) felony.  1. Legal proceedings against the offender must commence within three (3) years after commission of the offense.



Statutory citation(s):	1. Citation for the crime: 720 Ill. Comp. Stat. § 5/11-26. 2. Citation for the statute of limitations: 720 Ill. Comp. Stat. § 5/3-5.
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### Are there any exceptions to the statute of limitations laws?

Question	Answer
Exceptions	<ul style="list-style-type: none"> <li>• 720 Ill. Comp. Stat. § 5/3-7 provides that the following periods of time are excluded from the statute of limitations period:               <ul style="list-style-type: none"> <li>• Any time during which the defendant is not usually and publicly resident within the state.</li> <li>• Any time during which a prosecution is pending against the defendant for the same conduct, even if the indictment or information that commences the prosecution is quashed or the proceedings thereon are set aside, or are reversed on appeal.</li> <li>• In the case of sexual assault, during the time after the sexual assault evidence is collected and submitted to the Department of State Police until the completion of the analysis of the submitted evidence.</li> <li>• Any time when a material witness (including the victim) is placed on active military duty or leave.</li> </ul> </li> <li>• 720 Ill. Comp. Stat. § 5/3-5 provides that there is no limit for any offense involving sexual conduct or sexual penetration, or               <ul style="list-style-type: none"> <li>• The victim is murdered during the course of the offense or within two (2) years after the commission of the offense.</li> </ul> </li> </ul>

### Anything else I should know?

Question	Answer
Anything else I should know?	<ul style="list-style-type: none"> <li>• If the offense is based on a series of acts performed at different times, the period of limitation starts at the time when the <i>last such act</i> is committed. 720 Ill. Comp. Stat. § 5/3-8.</li> <li>• Except as otherwise provided in 720 ILCS § 5/3-6 (j), for any offense involving sexual conduct or sexual penetration where the defendant was within a professional or fiduciary relationship or a purported professional or fiduciary relationship with the victim at the time of the commission of the offense, prosecution for the offense may be commenced within one (1) year after the discovery of the offense by the victim. 720 Ill. Comp. Stat. § 5/3-6.</li> <li>• Sexual conduct is defined in the Illinois Criminal Sexual Assault Act as “any intentional or knowing touching or fondling of the victim or the perpetrator, either directly or through clothing of the sex organs, anus or</li> </ul>

breast of the victim or the accused, or any part of the body of a child... for the purpose of sexual gratification or arousal of the victim or the accused.” Criminal Code of 2012 (720 Ill. Comp. Stat. § 5/11-0.1).

- The statute of limitations regime for Illinois sex crimes underwent a major reform through 2019 Ill. Legis. Serv. P.A. 101-130 (H.B. 2135) (WEST), in which the State legislature established special limitations for prosecutions affecting several criminal offenses:

“(2) When the victim is under 18 years of age at the time of the offense, a prosecution for failure of a person who is required to report an alleged or suspected commission of criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, aggravated criminal sexual abuse, or felony criminal sexual abuse under the Abused and Neglected Child Reporting Act may be commenced within 20 years after the child victim attains 18 years of age.”

- Sexual Abuse occurs when a person responsible for the child’s welfare commits any of the following acts:
  1. Sexual penetration includes any contact between the sex organ of one person and the sex organ, mouth, or anus of another person. Typical acts include vaginal, oral and anal sex.
  2. Sexual exploitation is the use of a child for sexual arousal, gratification, advantage, or profit. Arousal and gratification of sexual need may be inferred from the act itself and surrounding circumstances.