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CRIMINAL OFFENSES (720 ILCS 5/) Criminal Code of 2012.

(720 ILCS 5/Tit. I heading)

TITLE I. GENERAL PROVISIONS

(720 ILCS 5/Art. 1 heading)

ARTICLE 1. TITLE AND CONSTRUCTION OF ACT; STATE JURISDICTION

(720 ILCS 5/1-1) (from Ch. 38, par. 1-1)

Sec. 1-1. Short title. This Act may be cited as the Criminal Code of 2012.

(Source: P.A. 97-1108, eff. 1-1-13.)

(720 ILCS 5/1-2) (from Ch. 38, par. 1-2)

Sec. 1-2. General purposes. The provisions of this Code shall be construed in accordance with the general purposes hereof, to:

(a) Forbid and prevent the commission of offenses;

(b) Define adequately the act and mental state which constitute each offense, and limit the condemnation of conduct as criminal when it is without fault;

(c) Prescribe penalties which are proportionate to the seriousness of offenses and which permit recognition of differences in rehabilitation possibilities among individual offenders;

(d) Prevent arbitrary or oppressive treatment of persons accused or convicted of offenses.

(Source: Laws 1961, p. 1983.)

(720 ILCS 5/1-3) (from Ch. 38, par. 1-3)

Sec. 1-3. Applicability of common law. No conduct constitutes an offense unless it is described as an offense in this Code or in another statute of this State. However, this provision does not affect the power of a court to punish for contempt or to employ any sanction authorized by law for the enforcement of an order or civil judgment.

(Source: P.A. 79-1360.)

(720 ILCS 5/1-4) (from Ch. 38, par. 1-4)

Sec. 1-4. Civil remedies preserved.

This Code does not bar, suspend, or otherwise affect any right or liability to damages, penalty, forfeiture, or other remedy authorized by law to be recovered or enforced in a civil action, for any conduct which this Code makes punishable; and the civil injury is not merged in the offense.

(Source: Laws 1961, p. 1983.)

(720 ILCS 5/1-5) (from Ch. 38, par. 1-5)

Sec. 1-5. State criminal jurisdiction.

(a) A person is subject to prosecution in this State for an offense which he commits, while either within or outside the State, by his own conduct or that of another for which he is legally accountable, if:

(1) the offense is committed either wholly or partly within the State; or

(2) the conduct outside the State constitutes an attempt to commit an offense within the State; or

(3) the conduct outside the State constitutes a conspiracy to commit an offense within the State, and an act in furtherance of the conspiracy occurs in the State; or

(4) the conduct within the State constitutes an attempt, solicitation or conspiracy to commit in another jurisdiction an offense under the laws of both this State and such other jurisdiction.

(b) An offense is committed partly within this State, if either the conduct which is an element of the offense, or the result which is such an element, occurs within the State. In a prosecution pursuant to paragraph (3) of subsection (a) of Section 9-1, the attempt or commission of a forcible felony other than second degree murder within this State is conduct which is an element of the offense for which a person is subject to prosecution in this State. In homicide, the "result" is either the physical contact which causes death, or the death itself; and if the body of a homicide victim is found within the State, the death is presumed to have occurred within the State.

(c) An offense which is based on an omission to perform a duty imposed by the law of this State is committed within the State, regardless of the location of the offender at the time of the omission.

(Source: P.A. 91-357, eff. 7-29-99.)

(720 ILCS 5/1-6) (from Ch. 38, par. 1-6)

Sec. 1-6. Place of trial.

(a) Generally.

Criminal actions shall be tried in the county where the offense was committed, except as otherwise provided by law. The State is not required to prove during trial that the alleged offense occurred in any particular county in this State. When a defendant contests the place of trial under this Section, all proceedings regarding this issue shall be conducted under Section 114-1 of the Code of Criminal Procedure of 1963. All objections of improper place of trial are waived by a defendant unless made before trial.

(b) Assailant and Victim in Different Counties.

If a person committing an offense upon the person of another is located in one county and his victim is located in another county at the time of the commission of the offense, trial may be had in either of said counties.

(c) Death and Cause of Death in Different Places or Undetermined.

If cause of death is inflicted in one county and death ensues in another county, the offender may be tried in either county. If neither the county in which the cause of death was inflicted nor the county in which death ensued are known before trial, the offender may be tried in the county where the body was found.

(d) Offense Commenced Outside the State.

If the commission of an offense commenced outside the State is consummated within this State, the offender shall be tried in

the county where the offense is consummated.

(e) Offenses Committed in Bordering Navigable Waters.

If an offense is committed on any of the navigable waters bordering on this State, the offender may be tried in any county adjacent to such navigable water.

(f) Offenses Committed while in Transit.

If an offense is committed upon any railroad car, vehicle, watercraft or aircraft passing within this State, and it cannot readily be determined in which county the offense was committed, the offender may be tried in any county through which such railroad car, vehicle, watercraft or aircraft has passed.

(g) Theft.

A person who commits theft of property may be tried in any county in which he exerted control over such property.

(h) Bigamy.

A person who commits the offense of bigamy may be tried in any county where the bigamous marriage or bigamous cohabitation has occurred.

(i) Kidnaping.

A person who commits the offense of kidnaping may be tried in any county in which his victim has traveled or has been confined during the course of the offense.

(j) Pandering.

A person who commits the offense of pandering as set forth in subdivision (a) (2) (A) or (a) (2) (B) of Section 11-14.3 may be tried in any county in which the prostitution was practiced or in any county in which any act in furtherance of the offense shall have been committed.

(k) Treason.

A person who commits the offense of treason may be tried in any county.

(l) Criminal Defamation.

If criminal defamation is spoken, printed or written in one county and is received or circulated in another or other counties, the offender shall be tried in the county where the defamation is spoken, printed or written. If the defamation is spoken, printed or written outside this state, or the offender resides outside this state, the offender may be tried in any county in this state in which the defamation was circulated or received.

(m) Inchoate Offenses.

A person who commits an inchoate offense may be tried in any county in which any act which is an element of the offense, including the agreement in conspiracy, is committed.

(n) Accountability for Conduct of Another.

Where a person in one county solicits, aids, abets, agrees, or attempts to aid another in the planning or commission of an offense in another county, he may be tried for the offense in either county.

(o) Child Abduction.

A person who commits the offense of child abduction may be tried in any county in which his victim has traveled, been detained, concealed or removed to during the course of the offense. Notwithstanding the foregoing, unless for good cause shown, the preferred place of trial shall be the county of the residence of the lawful custodian.

(p) A person who commits the offense of narcotics racketeering may be tried in any county where cannabis or a controlled substance which is the basis for the charge of narcotics racketeering was used; acquired; transferred or distributed to, from or through; or any county where any act was performed to further the use; acquisition, transfer or distribution of said cannabis or controlled substance; any

money, property, property interest, or any other asset generated by narcotics activities was acquired, used, sold, transferred or distributed to, from or through; or, any enterprise interest obtained as a result of narcotics racketeering was acquired, used, transferred or distributed to, from or through, or where any activity was conducted by the enterprise or any conduct to further the interests of such an enterprise.

(q) A person who commits the offense of money laundering may be tried in any county where any part of a financial transaction in criminally derived property took place or in any county where any money or monetary instrument which is the basis for the offense was acquired, used, sold, transferred or distributed to, from or through.

(r) A person who commits the offense of cannabis trafficking or controlled substance trafficking may be tried in any county.

(s) A person who commits the offense of online sale of stolen property, online theft by deception, or electronic fencing may be tried in any county where any one or more elements of the offense took place, regardless of whether the element of the offense was the result of acts by the accused, the victim or by another person, and regardless of whether the defendant was ever physically present within the boundaries of the county.

(t) A person who commits the offense of identity theft or aggravated identity theft may be tried in any one of the following counties in which: (1) the offense occurred; (2) the information used to commit the offense was illegally used; or (3) the victim resides.

(u) A person who commits the offense of financial exploitation of an elderly person or a person with a disability may be tried in any one of the following counties in which: (1) any part of the offense occurred; or (2) the victim or one of the victims reside.

If a person is charged with more than one violation of identity theft or aggravated identity theft and those violations may be tried in more than one county, any of those counties is a proper venue for all of the violations.

(Source: P.A. 101-394, eff. 1-1-20.)

(720 ILCS 5/1-8) (from Ch. 38, par. 1-8)

Sec. 1-8. Order of protection; status. Whenever relief sought under this Code is based on allegations of domestic violence, as defined in the Illinois Domestic Violence Act of 1986, the court, before granting relief, shall determine whether any order of protection has previously been entered in the instant proceeding or any other proceeding in which any party, or a child of any party, or both, if relevant, has been designated as either a respondent or a protected person.

(Source: P.A. 87-743.)

(720 ILCS 5/Art. 2 heading)

ARTICLE 2. GENERAL DEFINITIONS

(720 ILCS 5/2-0.5) (was 720 ILCS 5/2-.5)

Sec. 2-0.5. Definitions. For the purposes of this Code, the words and phrases described in this Article have the meanings designated in this Article, except when a particular context clearly requires a different meaning.

(Source: P.A. 95-331, eff. 8-21-07.)

(720 ILCS 5/2-1) (from Ch. 38, par. 2-1)

Sec. 2-1. "Acquittal".

"Acquittal" means a verdict or finding of not guilty of an offense, rendered by a legally constituted jury or by a court of competent jurisdiction authorized to try the case without a jury.

(Source: Laws 1961, p. 1983.)

(720 ILCS 5/2-2) (from Ch. 38, par. 2-2)

Sec. 2-2. "Act".

"Act" includes a failure or omission to take action.

(Source: Laws 1961, p. 1983.)

(720 ILCS 5/2-3) (from Ch. 38, par. 2-3)

Sec. 2-3. "Another".

"Another" means a person or persons as defined in this Code other than the offender.

(Source: Laws 1961, p. 1983.)

(720 ILCS 5/2-3.5)

Sec. 2-3.5. "Community policing volunteer" means a person who is summoned or directed by a peace officer or any person actively participating in a community policing program and who is engaged in lawful conduct intended to assist any unit of government in enforcing any criminal or civil law. For the purpose of this Section, "community policing program" means any plan, system or strategy established by and conducted under the auspices of a law enforcement agency in which citizens participate with and are guided by the law enforcement agency and work with members of that agency to reduce or prevent crime within a defined geographic area.

(Source: P.A. 90-651, eff. 1-1-99.)

(720 ILCS 5/2-3.6)

Sec. 2-3.6. "Armed with a firearm". Except as otherwise provided in a specific Section, a person is considered "armed with a firearm" when he or she carries on or about his or her person or is otherwise armed with a firearm.

(Source: P.A. 91-404, eff. 1-1-00.)

(720 ILCS 5/2-4) (from Ch. 38, par. 2-4)

Sec. 2-4. "Conduct".

"Conduct" means an act or a series of acts, and the accompanying mental state.

(Source: Laws 1961, p. 1983.)

(720 ILCS 5/2-5) (from Ch. 38, par. 2-5)

Sec. 2-5. "Conviction". "Conviction" means a judgment of conviction or sentence entered upon a plea of guilty or upon a verdict or finding of guilty of an offense, rendered by a legally constituted jury or by a court of competent jurisdiction authorized to try the case without a jury.

(Source: Laws 1961, p. 1983.)

(720 ILCS 5/2-5.1)

Sec. 2-5.1. Day care center. "Day care center" has the meaning ascribed to it in Section 2.09 of the Child Care Act of 1969.

(Source: P.A. 96-556, eff. 1-1-10.)

(720 ILCS 5/2-5.2)

Sec. 2-5.2. Day care home. "Day care home" has the meaning

ascribed to it in Section 2.18 of the Child Care Act of 1969.
(Source: P.A. 96-556, eff. 1-1-10.)

(720 ILCS 5/2-6) (from Ch. 38, par. 2-6)

Sec. 2-6. "Dwelling". (a) Except as otherwise provided in subsection (b) of this Section, "dwelling" means a building or portion thereof, a tent, a vehicle, or other enclosed space which is used or intended for use as a human habitation, home or residence.

(b) For the purposes of Section 19-3 of this Code, "dwelling" means a house, apartment, mobile home, trailer, or other living quarters in which at the time of the alleged offense the owners or occupants actually reside or in their absence intend within a reasonable period of time to reside.
(Source: P.A. 84-1289.)

(720 ILCS 5/2-6.5)

Sec. 2-6.5. Emergency medical technician.

"Emergency medical technician-ambulance", "emergency medical technician-intermediate", and "emergency medical technician-paramedic" have the meanings ascribed to them in the Emergency Medical Services (EMS) Systems Act.
(Source: P.A. 88-433.)

(720 ILCS 5/2-6.6)

Sec. 2-6.6. Emergency management worker. "Emergency management worker" shall include the following:

(a) any person, paid or unpaid, who is a member of a local or county emergency services and disaster agency as defined by the Illinois Emergency Management Agency Act, or who is an employee of the Illinois Emergency Management Agency or the Federal Emergency Management Agency;

(b) any employee or volunteer of the American Red Cross;

(c) any employee of a federal, State, county, or local government agency assisting an emergency services and disaster agency, the Illinois Emergency Management Agency, or the Federal Emergency Management Agency through mutual aid or as otherwise requested or directed in time of disaster or emergency; and

(d) any person volunteering or directed to assist an emergency services and disaster agency, the Illinois Emergency Management Agency, or the Federal Emergency Management Agency.

(Source: P.A. 94-243, eff. 1-1-06; 94-323, eff. 1-1-06; 95-331, eff. 8-21-07.)

(720 ILCS 5/2-7) (from Ch. 38, par. 2-7)

Sec. 2-7. "Felony". "Felony" means an offense for which a sentence to a term of imprisonment in a penitentiary for one year or more is provided.

(Source: P.A. 103-51, eff. 1-1-24.)

(720 ILCS 5/2-7.1)

Sec. 2-7.1. "Firearm" and "firearm ammunition". "Firearm" and "firearm ammunition" have the meanings ascribed to them in Section 1.1 of the Firearm Owners Identification Card Act.

(Source: P.A. 91-544, eff. 1-1-00.)

(720 ILCS 5/2-7.5)

Sec. 2-7.5. "Firearm". Except as otherwise provided in a specific Section, "firearm" has the meaning ascribed to it in

Section 1.1 of the Firearm Owners Identification Card Act.
(Source: P.A. 95-331, eff. 8-21-07.)

(720 ILCS 5/2-8) (from Ch. 38, par. 2-8)

Sec. 2-8. "Forcible felony". "Forcible felony" means treason, first degree murder, second degree murder, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, robbery, burglary, residential burglary, aggravated arson, arson, aggravated kidnaping, kidnaping, aggravated battery resulting in great bodily harm or permanent disability or disfigurement and any other felony which involves the use or threat of physical force or violence against any individual.

(Source: P.A. 88-277; 89-428, eff. 12-13-95; 89-462, eff. 5-29-96.)

(720 ILCS 5/2-8.1)

Sec. 2-8.1. Group day care home. "Group day care home" has the meaning ascribed to it in Section 2.20 of the Child Care Act of 1969.

(Source: P.A. 96-556, eff. 1-1-10.)

(720 ILCS 5/2-9) (from Ch. 38, par. 2-9)

Sec. 2-9. "Included offense".

"Included offense" means an offense which

(a) Is established by proof of the same or less than all of the facts or a less culpable mental state (or both), than that which is required to establish the commission of the offense charged, or

(b) Consists of an attempt to commit the offense charged or an offense included therein.

(Source: Laws 1961, p. 1983.)

(720 ILCS 5/2-10) (from Ch. 38, par. 2-10)

Sec. 2-10. "Includes".

"Includes" or "including" means comprehending among other particulars, without limiting the generality of the foregoing word or phrase.

(Source: Laws 1961, p. 1983.)

(720 ILCS 5/2-10.1) (from Ch. 38, par. 2-10.1)

Sec. 2-10.1. "Person with a severe or profound intellectual disability" means a person (i) whose intelligence quotient does not exceed 40 or (ii) whose intelligence quotient does not exceed 55 and who suffers from significant mental illness to the extent that the person's ability to exercise rational judgment is impaired. In any proceeding in which the defendant is charged with committing a violation of Section 10-2, 10-5, 11-1.30, 11-1.60, 11-14.4, 11-15.1, 11-19.1, 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 12-4.3, 12-14, or 12-16, or subdivision (b)(1) of Section 12-3.05, of this Code against a victim who is alleged to be a person with a severe or profound intellectual disability, any findings concerning the victim's status as a person with a severe or profound intellectual disability, made by a court after a judicial admission hearing concerning the victim under Articles V and VI of Chapter IV of the Mental Health and Developmental Disabilities Code shall be admissible.

(Source: P.A. 98-756, eff. 7-16-14; 99-143, eff. 7-27-15.)

(720 ILCS 5/2-10.2)

Sec. 2-10.2. Laser or laser device. "Laser" or "laser device" means any small or hand-held battery powered device which converts incident electromagnetic radiation of mixed

frequencies to one or more discrete frequencies of highly amplified and coherent visible radiation or light. Proof that a particular device casts a small red dot or other similar small and discrete image or small and discrete visual signal upon a target surface at least 15 feet away creates a rebuttable presumption that the device is a laser. Flashlights and similar lamps, lanterns, lights, and penlights are not laser devices. (Source: P.A. 91-672, eff. 1-1-00.)

(720 ILCS 5/2-10.3)

Sec. 2-10.3. Laser gunsight. "Laser gunsight" means any battery powered laser device manufactured to function as a firearm aiming device or sold as a firearm aiming device. (Source: P.A. 91-672, eff. 1-1-00.)

(720 ILCS 5/2-11) (from Ch. 38, par. 2-11)

Sec. 2-11. "Misdemeanor".

"Misdemeanor" means any offense for which a sentence to a term of imprisonment in other than a penitentiary for less than one year may be imposed. (Source: P.A. 77-2638.)

(720 ILCS 5/2-11.1)

Sec. 2-11.1. "Motor vehicle". "Motor vehicle" has the meaning ascribed to it in the Illinois Vehicle Code. (Source: P.A. 97-1108, eff. 1-1-13.)

(720 ILCS 5/2-12) (from Ch. 38, par. 2-12)

Sec. 2-12. "Offense".

"Offense" means a violation of any penal statute of this State. (Source: Laws 1961, p. 1983.)

(720 ILCS 5/2-12.1)

Sec. 2-12.1. Part day child care facility. "Part day child care facility" has the meaning ascribed to it in Section 2.10 of the Child Care Act of 1969. (Source: P.A. 96-556, eff. 1-1-10.)

(720 ILCS 5/2-13) (from Ch. 38, par. 2-13)

Sec. 2-13. "Peace officer". "Peace officer" means (i) any person who by virtue of his office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses, or (ii) any person who, by statute, is granted and authorized to exercise powers similar to those conferred upon any peace officer employed by a law enforcement agency of this State.

For purposes of Sections concerning unlawful use of weapons, for the purposes of assisting an Illinois peace officer in an arrest, or when the commission of any offense under Illinois law is directly observed by the person, and statutes involving the false personation of a peace officer, false personation of a peace officer while carrying a deadly weapon, false personation of a peace officer in attempting or committing a felony, and false personation of a peace officer in attempting or committing a forcible felony, then officers, agents, or employees of the federal government commissioned by federal statute to make arrests for violations of federal criminal laws shall be considered "peace officers" under this Code, including, but not limited to, all criminal investigators of:

(1) the United States Department of Justice, the

Federal Bureau of Investigation, and the Drug Enforcement Administration and all United States Marshals or Deputy United States Marshals whose duties involve the enforcement of federal criminal laws;

(1.5) the United States Department of Homeland Security, United States Citizenship and Immigration Services, United States Coast Guard, United States Customs and Border Protection, and United States Immigration and Customs Enforcement;

(2) the United States Department of the Treasury, the Alcohol and Tobacco Tax and Trade Bureau, and the United States Secret Service;

(3) the United States Internal Revenue Service;

(4) the United States General Services Administration;

(5) the United States Postal Service;

(6) (blank); and

(7) the United States Department of Defense.

(Source: P.A. 102-558, eff. 8-20-21.)

(720 ILCS 5/2-14) (from Ch. 38, par. 2-14)

Sec. 2-14. "Penal institution".

"Penal institution" means a penitentiary, state farm, reformatory, prison, jail, house of correction, or other institution for the incarceration or custody of persons under sentence for offenses or awaiting trial or sentence for offenses.

(Source: Laws 1961, p. 1983.)

(720 ILCS 5/2-15) (from Ch. 38, par. 2-15)

Sec. 2-15. "Person". "Person" means an individual, natural person, public or private corporation, government, partnership, unincorporated association, or other entity.

(Source: P.A. 97-597, eff. 1-1-12.)

(720 ILCS 5/2-15.5)

Sec. 2-15.5. "Personally discharged a firearm". A person is considered to have "personally discharged a firearm" when he or she, while armed with a firearm, knowingly and intentionally fires a firearm causing the ammunition projectile to be forcefully expelled from the firearm.

(Source: P.A. 91-404, eff. 1-1-00.)

(720 ILCS 5/2-15a) (from Ch. 38, par. 2-15a)

Sec. 2-15a. "Person with a physical disability". "Person with a physical disability" means a person who suffers from a permanent and disabling physical characteristic, resulting from disease, injury, functional disorder, or congenital condition.

(Source: P.A. 99-143, eff. 7-27-15.)

(720 ILCS 5/2-15b)

Sec. 2-15b. "Place of worship" means a church, synagogue, mosque, temple, or other building, structure, or place used primarily for religious worship and includes the grounds of a place of worship.

(Source: P.A. 91-360, eff. 7-29-99.)

(720 ILCS 5/2-16) (from Ch. 38, par. 2-16)

Sec. 2-16. "Prosecution".

"Prosecution" means all legal proceedings by which a person's liability for an offense is determined, commencing with the return of the indictment or the issuance of the information, and including the final disposition of the case upon appeal.

(Source: Laws 1961, p. 1983.)

(720 ILCS 5/2-17) (from Ch. 38, par. 2-17)

Sec. 2-17. "Public employee".

"Public employee" means a person, other than a public officer, who is authorized to perform any official function on behalf of, and is paid by, the State or any of its political subdivisions.

(Source: Laws 1961, p. 1983.)

(720 ILCS 5/2-18) (from Ch. 38, par. 2-18)

Sec. 2-18. "Public officer".

"Public officer" means a person who is elected to office pursuant to statute, or who is appointed to an office which is established, and the qualifications and duties of which are prescribed, by statute, to discharge a public duty for the State or any of its political subdivisions.

(Source: Laws 1961, p. 1983.)

(720 ILCS 5/2-19) (from Ch. 38, par. 2-19)

Sec. 2-19. "Reasonable belief".

"Reasonable belief" or "reasonably believes" means that the person concerned, acting as a reasonable man, believes that the described facts exist.

(Source: Laws 1961, p. 1983.)

(720 ILCS 5/2-19.5)

Sec. 2-19.5. "School" means a public, private, or parochial elementary or secondary school, community college, college, or university and includes the grounds of a school.

(Source: P.A. 91-360, eff. 7-29-99.)

(720 ILCS 5/2-20) (from Ch. 38, par. 2-20)

Sec. 2-20. "Solicit".

"Solicit" or "solicitation" means to command, authorize, urge, incite, request, or advise another to commit an offense.

(Source: Laws 1961, p. 1983.)

(720 ILCS 5/2-21) (from Ch. 38, par. 2-21)

Sec. 2-21. "State".

"State" or "this State" means the State of Illinois, and all land and water in respect to which the State of Illinois has either exclusive or concurrent jurisdiction, and the air space above such land and water. "Other state" means any state or territory of the United States, the District of Columbia and the Commonwealth of Puerto Rico.

(Source: Laws 1961, p. 1983.)

(720 ILCS 5/2-22) (from Ch. 38, par. 2-22)

Sec. 2-22. "Statute".

"Statute" means the Constitution or an Act of the General Assembly of this State.

(Source: Laws 1961, p. 1983.)

(720 ILCS 5/Art. 3 heading)

ARTICLE 3. RIGHTS OF DEFENDANT

(720 ILCS 5/3-1) (from Ch. 38, par. 3-1)

Sec. 3-1. Presumption of innocence and proof of guilt. Every person is presumed innocent until proved guilty. No person shall be convicted of any offense unless his guilt thereof is proved

beyond a reasonable doubt.
(Source: Laws 1961, p. 1983.)

(720 ILCS 5/3-2) (from Ch. 38, par. 3-2)
Sec. 3-2. Affirmative defense.

(a) "Affirmative defense" means that unless the State's evidence raises the issue involving the alleged defense, the defendant, to raise the issue, must present some evidence thereon.

(b) If the issue involved in an affirmative defense, other than insanity, is raised then the State must sustain the burden of proving the defendant guilty beyond a reasonable doubt as to that issue together with all the other elements of the offense. If the affirmative defense of insanity is raised, the defendant bears the burden of proving by clear and convincing evidence his insanity at the time of the offense.

(Source: P.A. 89-404, eff. 8-20-95; 90-593, eff. 6-19-98.)

(720 ILCS 5/3-3) (from Ch. 38, par. 3-3)
Sec. 3-3. Multiple prosecutions for same act.

(a) When the same conduct of a defendant may establish the commission of more than one offense, the defendant may be prosecuted for each such offense.

(b) If the several offenses are known to the proper prosecuting officer at the time of commencing the prosecution and are within the jurisdiction of a single court, they must be prosecuted in a single prosecution, except as provided in Subsection (c), if they are based on the same act.

(c) When 2 or more offenses are charged as required by Subsection (b), the court in the interest of justice may order that one or more of such charges shall be tried separately.

(Source: Laws 1961, p. 1983.)

(720 ILCS 5/3-4) (from Ch. 38, par. 3-4)
Sec. 3-4. Effect of former prosecution.

(a) A prosecution is barred if the defendant was formerly prosecuted for the same offense, based upon the same facts, if that former prosecution:

(1) resulted in either a conviction or an acquittal or in a determination that the evidence was insufficient to warrant a conviction;

(2) was terminated by a final order or judgment, even if entered before trial, that required a determination inconsistent with any fact or legal proposition necessary to a conviction in the subsequent prosecution; or

(3) was terminated improperly after the jury was impaneled and sworn or, in a trial before a court without a jury, after the first witness was sworn but before findings were rendered by the trier of facts, or after a plea of guilty was accepted by the court.

A conviction of an included offense, other than through a plea of guilty, is an acquittal of the offense charged.

(b) A prosecution is barred if the defendant was formerly prosecuted for a different offense, or for the same offense based upon different facts, if that former prosecution:

(1) resulted in either a conviction or an acquittal, and the subsequent prosecution is for an offense of which the defendant could have been convicted on the former prosecution; or was for an offense with which the defendant should have been charged on the former prosecution, as provided in Section 3-3 of this Code (unless the court ordered a separate trial of that charge); or was for an offense that involves the same conduct, unless each

prosecution requires proof of a fact not required on the other prosecution, or the offense was not consummated when the former trial began;

(2) was terminated by a final order or judgment, even if entered before trial, that required a determination inconsistent with any fact necessary to a conviction in the subsequent prosecution; or

(3) was terminated improperly under the circumstances stated in subsection (a), and the subsequent prosecution is for an offense of which the defendant could have been convicted if the former prosecution had not been terminated improperly.

(c) A prosecution is barred if the defendant was formerly prosecuted in a District Court of the United States or in a sister state for an offense that is within the concurrent jurisdiction of this State, if that former prosecution:

(1) resulted in either a conviction or an acquittal, and the subsequent prosecution is for the same conduct, unless each prosecution requires proof of a fact not required in the other prosecution, or the offense was not consummated when the former trial began; or

(2) was terminated by a final order or judgment, even if entered before trial, that required a determination inconsistent with any fact necessary to a conviction in the prosecution in this State.

(d) A prosecution is not barred within the meaning of this Section 3-4, however, if the former prosecution:

(1) was before a court that lacked jurisdiction over the defendant or the offense; or

(2) was procured by the defendant without the knowledge of the proper prosecuting officer, and with the purpose of avoiding the sentence that otherwise might be imposed; or if subsequent proceedings resulted in the invalidation, setting aside, reversal, or vacating of the conviction, unless the defendant was thereby adjudged not guilty.

(Source: P.A. 96-710, eff. 1-1-10.)

(720 ILCS 5/3-5) (from Ch. 38, par. 3-5)

Sec. 3-5. General limitations.

(a) A prosecution for: (1) first degree murder, attempt to commit first degree murder, second degree murder, involuntary manslaughter, reckless homicide, a violation of subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code for the offense of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof when the violation was a proximate cause of a death, leaving the scene of a motor vehicle crash involving death or personal injuries under Section 11-401 of the Illinois Vehicle Code, failing to give information and render aid under Section 11-403 of the Illinois Vehicle Code, concealment of homicidal death, treason, arson, residential arson, aggravated arson, forgery, child pornography under paragraph (1) of subsection (a) of Section 11-20.1, or aggravated child pornography under paragraph (1) of subsection (a) of Section 11-20.1B, or (2) any offense involving sexual conduct or sexual penetration, as defined by Section 11-0.1 of this Code may be commenced at any time.

(a-5) A prosecution for theft of property exceeding \$100,000 in value under Section 16-1, identity theft under subsection (a) of Section 16-30, aggravated identity theft under subsection (b) of Section 16-30, financial exploitation of an elderly person or a person with a disability under Section 17-56; theft by deception of a victim 60 years of age or older or a person with

a disability under Section 16-1; or any offense set forth in Article 16H or Section 17-10.6 may be commenced within 7 years of the last act committed in furtherance of the crime.

(b) Unless the statute describing the offense provides otherwise, or the period of limitation is extended by Section 3-6, a prosecution for any offense not designated in subsection (a) or (a-5) must be commenced within 3 years after the commission of the offense if it is a felony, or within one year and 6 months after its commission if it is a misdemeanor.

(Source: P.A. 101-130, eff. 1-1-20; 102-244, eff. 1-1-22; 102-982, eff. 7-1-23.)

(720 ILCS 5/3-6) (from Ch. 38, par. 3-6)

Sec. 3-6. Extended limitations. The period within which a prosecution must be commenced under the provisions of Section 3-5 or other applicable statute is extended under the following conditions:

(a) A prosecution for theft involving a breach of a fiduciary obligation to the aggrieved person may be commenced as follows:

(1) If the aggrieved person is a minor or a person under legal disability, then during the minority or legal disability or within one year after the termination thereof.

(2) In any other instance, within one year after the discovery of the offense by an aggrieved person, or by a person who has legal capacity to represent an aggrieved person or has a legal duty to report the offense, and is not himself or herself a party to the offense; or in the absence of such discovery, within one year after the proper prosecuting officer becomes aware of the offense. However, in no such case is the period of limitation so extended more than 3 years beyond the expiration of the period otherwise applicable.

(b) A prosecution for any offense based upon misconduct in office by a public officer or employee may be commenced within one year after discovery of the offense by a person having a legal duty to report such offense, or in the absence of such discovery, within one year after the proper prosecuting officer becomes aware of the offense. However, in no such case is the period of limitation so extended more than 3 years beyond the expiration of the period otherwise applicable.

(b-5) When the victim is under 18 years of age at the time of the offense, a prosecution for involuntary servitude, involuntary sexual servitude of a minor, or trafficking in persons and related offenses under Section 10-9 of this Code may be commenced within 25 years of the victim attaining the age of 18 years.

(b-6) When the victim is 18 years of age or over at the time of the offense, a prosecution for involuntary servitude, involuntary sexual servitude of a minor, or trafficking in persons and related offenses under Section 10-9 of this Code may be commenced within 25 years after the commission of the offense.

(b-7) When the victim is under 18 years of age at the time of the offense, a prosecution for female genital mutilation may be commenced at any time.

(c) (Blank).

(d) A prosecution for child pornography, aggravated child pornography, indecent solicitation of a child, soliciting for a juvenile prostitute, juvenile pimping, exploitation of a child, or promoting juvenile prostitution except for keeping a place of juvenile prostitution 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 sooner than 3 years

after the commission of the offense.

(e) Except as otherwise provided in subdivision (j), a prosecution for any offense involving sexual conduct or sexual penetration, as defined in Section 11-0.1 of this Code, 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 may be commenced within one year after the discovery of the offense by the victim.

(f) A prosecution for any offense set forth in Section 44 of the Environmental Protection Act may be commenced within 5 years after the discovery of such an offense by a person or agency having the legal duty to report the offense or in the absence of such discovery, within 5 years after the proper prosecuting officer becomes aware of the offense.

(f-5) A prosecution for any offense set forth in Section 16-30 of this Code may be commenced within 5 years after the discovery of the offense by the victim of that offense.

(g) (Blank).

(h) (Blank).

(i) Except as otherwise provided in subdivision (j), a prosecution for criminal sexual assault, aggravated criminal sexual assault, or aggravated criminal sexual abuse may be commenced at any time. If the victim consented to the collection of evidence using an Illinois State Police Sexual Assault Evidence Collection Kit under the Sexual Assault Survivors Emergency Treatment Act, it shall constitute reporting for purposes of this Section.

Nothing in this subdivision (i) shall be construed to shorten a period within which a prosecution must be commenced under any other provision of this Section.

(i-5) A prosecution for armed robbery, home invasion, kidnapping, or aggravated kidnaping may be commenced within 10 years of the commission of the offense if it arises out of the same course of conduct and meets the criteria under one of the offenses in subsection (i) of this Section.

(j) (1) When the victim is under 18 years of age at the time of the offense, a prosecution for criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, aggravated criminal sexual abuse, felony criminal sexual abuse, or female genital mutilation may be commenced at any time.

(2) When in circumstances other than as described in paragraph (1) of this subsection (j), 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.

(3) When the victim is under 18 years of age at the time of the offense, a prosecution for misdemeanor criminal sexual abuse may be commenced within 10 years after the child victim attains 18 years of age.

(4) Nothing in this subdivision (j) shall be construed to shorten a period within which a prosecution must be commenced under any other provision of this Section.

(j-5) A prosecution for armed robbery, home invasion, kidnapping, or aggravated kidnaping may be commenced at any time if it arises out of the same course of conduct and meets the criteria under one of the offenses in subsection (j) of this Section.

(k) (Blank).

(l) A prosecution for any offense set forth in Section 26-4 of this Code may be commenced within one year after the discovery of the offense by the victim of that offense.

(l-5) A prosecution for any offense involving sexual conduct or sexual penetration, as defined in Section 11-0.1 of this Code, in which the victim was 18 years of age or older at the time of the offense, may be commenced within one year after the discovery of the offense by the victim when corroborating physical evidence is available. The charging document shall state that the statute of limitations is extended under this subsection (l-5) and shall state the circumstances justifying the extension. Nothing in this subsection (l-5) shall be construed to shorten a period within which a prosecution must be commenced under any other provision of this Section or Section 3-5 of this Code.

(m) The prosecution shall not be required to prove at trial facts which extend the general limitations in Section 3-5 of this Code when the facts supporting extension of the period of general limitations are properly pled in the charging document. Any challenge relating to the extension of the general limitations period as defined in this Section shall be exclusively conducted under Section 114-1 of the Code of Criminal Procedure of 1963.

(n) A prosecution for any offense set forth in subsection (a), (b), or (c) of Section 8A-3 or Section 8A-13 of the Illinois Public Aid Code, in which the total amount of money involved is \$5,000 or more, including the monetary value of food stamps and the value of commodities under Section 16-1 of this Code may be commenced within 5 years of the last act committed in furtherance of the offense.

(o) A prosecution for any offense based upon fraudulent activity connected to COVID-19-related relief programs, to include the Paycheck Protection Program, COVID-19 Economic Injury Disaster Loan Program, and the Unemployment Benefit Programs shall be commenced within 5 years after discovery of the offense by a person having a legal duty to report such offense, or in the absence of such discovery, within 5 years after the proper prosecuting officer becomes aware of the offense. However, in no such case is the period of limitation so extended more than 10 years beyond the expiration of the period otherwise applicable.

(Source: P.A. 102-558, eff. 8-20-21; 103-184, eff. 1-1-24.)

(720 ILCS 5/3-7) (from Ch. 38, par. 3-7)

Sec. 3-7. Periods excluded from limitation.

(a) The period within which a prosecution must be commenced does not include any period in which:

(1) the defendant is not usually and publicly resident within this State; or

(2) the defendant is a public officer and the offense charged is theft of public funds while in public office; or

(3) a prosecution is pending against the defendant for the same conduct, even if the indictment or information which commences the prosecution is quashed or the proceedings thereon are set aside, or are reversed on appeal; or

(4) a proceeding or an appeal from a proceeding relating to the quashing or enforcement of a Grand Jury subpoena issued in connection with an investigation of a violation of a criminal law of this State is pending. However, the period within which a prosecution must be commenced includes any period in which the State brings a

proceeding or an appeal from a proceeding specified in this paragraph (4); or

(5) a material witness is placed on active military duty or leave. In this paragraph (5), "material witness" includes, but is not limited to, the arresting officer, occurrence witness, or the alleged victim of the offense; or

(6) the victim of unlawful force or threat of imminent bodily harm to obtain information or a confession is incarcerated, and the victim's incarceration, in whole or in part, is a consequence of the unlawful force or threats; or

(7) the sexual assault evidence is collected and submitted to the Illinois State Police until the completion of the analysis of the submitted evidence.

(a-5) The prosecution shall not be required to prove at trial facts establishing periods excluded from the general limitations in Section 3-5 of this Code when the facts supporting periods being excluded from the general limitations are properly pled in the charging document. Any challenge relating to periods of exclusion as defined in this Section shall be exclusively conducted under Section 114-1 of the Code of Criminal Procedure of 1963.

(b) For the purposes of this Section:

"Completion of the analysis of the submitted evidence" means analysis of the collected evidence and conducting of laboratory tests and the comparison of the collected evidence with the genetic marker grouping analysis information maintained by the Illinois State Police under Section 5-4-3 of the Unified Code of Corrections and with the information contained in the Federal Bureau of Investigation's National DNA database.

"Sexual assault" has the meaning ascribed to it in Section 1a of the Sexual Assault Survivors Emergency Treatment Act.

"Sexual assault evidence" has the meaning ascribed to it in Section 5 of the Sexual Assault Evidence Submission Act.

(Source: P.A. 102-538, eff. 8-20-21.)

(720 ILCS 5/3-8) (from Ch. 38, par. 3-8)

Sec. 3-8. Limitation on offense based on series of acts. When an offense is based on a series of acts performed at different times, the period of limitation prescribed by this Article starts at the time when the last such act is committed.

(Source: Laws 1961, p.1983.)