

Sex Crimes: Definitions and Penalties

Illinois

Last Updated: March 2020

Criminal Sexual Assault

| Question | Answer |
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| How is it defined? | <p>An act of sexual penetration and person:</p> <ul style="list-style-type: none"> • Uses force or threat of force; • Knows that the victim is unable to understand the nature of the act or is unable to give knowing consent; • Is a family member of the victim, and the victim is under 18 years of age; or • Is 17 years of age or over and holds a position of trust, authority, or supervision in relation to the victim, and the victim is at least 13 years of age but under 18 years of age. |
| What are the punishments for this crime? | <ul style="list-style-type: none"> • Criminal sexual assault is a Class 1 felony (punishable by a determinate sentence of not less than 4 years but not more than 15 years, and a fine of at least \$75 but not more than \$25,000 for each offense), except that: <ul style="list-style-type: none"> • A person convicted of criminal sexual assault under (1) or (2), and was previously convicted of criminal sexual assault or exploitation of a child, or an offense either in Illinois or another state that is substantially equivalent, commits a Class X felony, punishable by a term of imprisonment of not less than 30 years and not more than 60 years, except that if defendant is under the age of 18 at the time of the offense, defendant shall be sentenced under Section 5-4.5-105 of the U.S. Code of Corrections. • A person who has attained the age of 18 at the time of the commission of the offense and who is convicted of criminal sexual assault under (1) or (2), and was previously convicted of aggravated criminal sexual assault or predatory criminal sexual assault of a child, of a child, or an offense either in Illinois or another state that is substantially equivalent, shall be sentenced to a term of natural life imprisonment. A person who is under the age of 18 at the time of commission of the offense shall be sentenced under Section 5-4.5-105 of the Unified Code of Corrections. • A second or subsequent conviction under (3) or (4), or under any similar statute of Illinois or another state, is a Class X felony (punishable by a determinate sentence of not less than 6 years but not more than 30 years, and a fine of at least \$75 but not more than \$25,000 for each offense). |
| Anything else I should know? | <p>The following definitions are relevant to this crime:</p> <ul style="list-style-type: none"> • “Family member” means a parent, grandparent, child, aunt, uncle, great-aunt, or great-uncle, whether by whole blood, half-blood, or adoption, and includes a step-grandparent, step-parent, or step-child. “Family member” also means, if the victim is a child under 18 years of age, an accused who has resided in the household with the child continuously for at least 6 months. |

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| | <ul style="list-style-type: none"> • “Force or threat of force” means the use of force or violence or the threat of force or violence, including, but not limited to, the following situations: When the accused threatens to use force or violence on the victim or on any other person, and the victim under the circumstances reasonably believes that the accused has the ability to execute that threat; or When the accused overcomes the victim by use of superior strength or size, physical restraint, or physical confinement. • “Sexual penetration” means 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. • Note: No medical examination or procedure which is conducted by a physician, nurse, medical or hospital personnel, parent, or caretaker can be deemed a violation of the offenses described herein if conducted for purposes and in a manner consistent with reasonable medical standards |
| Statutory citation(s): | <ul style="list-style-type: none"> • Ch. 720 Ill. Comp. Stat. 5/11-1.20 • Definitions, 720 Ill. Comp. Stat. Ann. 5/11-0.1 • 720 Ill. Comp. Stat. Ann. 5/11-1.10 • Sentencing, § 730 Ill. Comp. Stat. Ann. 5/5-4.5-30(a), (e); 5/5-4.5-25(a), (e) |

Aggravated Criminal Sexual Assault

| Question | Answer |
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| How is it defined? | <p>(A) A person commits aggravated criminal sexual assault if that person commits criminal sexual assault and any of the following aggravating circumstances exist during the commission of the offense or as part of the same course of conduct as the commission of the offense if the:</p> <ul style="list-style-type: none"> • person displays, threatens to use, or uses a dangerous weapon, other than a firearm, or any object fashioned or used in a manner that leads the victim, under the circumstances, reasonably to believe that the object is a dangerous weapon; • person causes bodily harm to the victim; • person acts in a manner that threatens or endangers the life of the victim or any other person; • person commits the criminal sexual assault during the course of committing or attempting to commit any other felony; • victim is 60 years of age or older; • victim has a physical disability; • person delivers (by injection, ingestion, or any other means) any controlled substance to the victim without the victim’s consent or by threat/deception for other than medical purposes; • person is armed with a firearm; |

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| | <ul style="list-style-type: none"> • person personally discharges a firearm during the commission of the offense; or • person personally discharges a firearm during the commission of the offense, and that discharge proximately causes great bodily harm, permanent disability, permanent disfigurement, or death to another person. <p>(B) If the person is under the age of 17 years and:</p> <ul style="list-style-type: none"> • Commits an act of sexual penetration with a victim who is under 9 years of age; or • Commits an act of sexual penetration with a victim who is at least 9 years of age but under 13 years of age and defendant uses force or threat of force to commit the act. <p>(C) An act of sexual penetration with a victim with a severe or profound intellectual disability.</p> |
| <p>What are the punishments for this crime?</p> | <ul style="list-style-type: none"> • A defendant convicted under (A)(2) – (7), (B), or (C) commits a Class X felony (punishable by a determinate sentence of not less than 6 years but not more than 30 years, and a fine of at least \$75 but not more than \$25,000 for each offense). • A defendant convicted under (A)(1) commits a Class X felony for which 10 years shall be added to the term of imprisonment imposed by the court. • A defendant convicted under (A)(8) commits a Class X felony for which 15 years shall be added to the term of imprisonment imposed by the court. • A defendant convicted under (A)(9) commits a Class X felony for which 20 years shall be added to the term of imprisonment imposed by the court. • A defendant convicted under (A)(10) commits a Class X felony for which 25 years or up to a term of natural life imprisonment shall be added to the term of imprisonment imposed by the court. • A defendant under the age of 18 at the time of the commission of an offense for which defendant is convicted under (A)(1) – (A)(10) shall be sentenced under Section 5-4.5-105 of the Unified Code of Corrections. • A defendant who has attained the age of 18 at the time of the commission of the offense and who is convicted of a second or subsequent conviction for this offense, or a previous conviction for criminal sexual assault, predatory criminal sexual assault of a child, or an offense either in Illinois or another state that is substantially equivalent, will result in a sentence of a term of natural life imprisonment. A person who is under the age of 18 at the time of commission of the offense shall be sentenced under Section 5-4.5-105 of the Unified Code of Corrections. |
| <p>Anything else I should know?</p> | <p>The following definitions are relevant to this crime:</p> <ul style="list-style-type: none"> • See Criminal Sexual Assault for relevant definitions. |
| <p>Statutory citation(s):</p> | <ul style="list-style-type: none"> • Ch. 720 Ill. Comp. Stat. 5/11-1.30 • Sentencing, § 730 Ill. Comp. Stat. Ann. 5/5-4.5-25(a), (e) |

Predatory Criminal Sexual Assault of a Child

| Question | Answer |
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| How is it defined? | <ul style="list-style-type: none"> • Committing an act of contact, however slight, between the sex organ or anus of one person and the part of the body of another for the purpose of sexual gratification or arousal of the victim or the accused, or an act of sexual penetration, when a person is 17 years of age or older, and: <ul style="list-style-type: none"> • The victim is under 13 years of age; or • The victim is under 13 years of age and that person: <ul style="list-style-type: none"> • Is armed with a firearm; • Personally discharges a firearm during the commission of the offense; • Causes great bodily harm to the victim that results in permanent disability or is life threatening; or • Delivers (by injection, ingestion, or any other means) any controlled substance to the victim without the victim's consent or by threat/deception, for other than medical purposes. |
| What are the punishments for this crime? | <ul style="list-style-type: none"> • A defendant convicted under (1) commits a Class X felony, for which defendant shall be sentenced to a term of imprisonment of not less than 6 years and not more than 30 years. • A defendant convicted under (2)(a) commits a Class X felony for which 15 years shall be added to the term of imprisonment imposed by the court. • A defendant convicted under (2)(b) commits a Class X felony for which 20 years shall be added to the term of imprisonment imposed by the court. • A defendant who has attained the age of 18 and who is convicted under (2)(c) commits a Class X felony for which defendant shall be sentenced to a term of imprisonment of not less than 50 years or up to a term of natural life imprisonment. • A defendant who is convicted under (1), (2)(a), (2)(b) or (2)(c) and who is under the age of 18 at the time of commission of the offense shall be sentenced under Section 5-4.5-105 of the Unified Code of Corrections. • A defendant convicted under (2)(d) commits a Class X felony for which defendant shall be sentenced to a term of imprisonment of not less than 50 years and not more than 60 years. A defendant who is under the age of 18 at the time of commission of the offense, however, shall be sentenced under Section 5-4.5-105 of the Unified Code of Corrections. • A defendant who has attained the age of 18 at the time of commission of the offense and is convicted of an offense committed against 2 or more persons, regardless of whether the offenses occurred as a result of the same act or of several related or unrelated acts, shall be sentenced to a term of natural life imprisonment. A defendant who is under the age of 18 at the time of commission of the offense shall be sentenced under Section 5-4.5-105 of the Unified Code of Corrections. • If defendant is eighteen years old or older, a second or subsequent conviction for this offense, or a previous conviction for criminal sexual assault, aggravated criminal sexual assault, or an offense either in Illinois or another state that is substantially equivalent, will result in a sentence of a term of natural life imprisonment. The commission of the second or subsequent offense is required to have been after the initial conviction for this paragraph to apply. A defendant who is under the age of 18 at the time of |

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| | commission of the offense shall be sentenced under Section 5-4.5-105 of the Unified Code of Corrections. |
| Anything else I should know? | The following definitions are relevant to this crime: <ul style="list-style-type: none"> • “Bodily harm” means physical harm, and includes, but is not limited to, sexually transmitted disease, pregnancy, and impotence. • See Criminal Sexual Assault for additional relevant definitions. |
| Statutory citation(s): | <ul style="list-style-type: none"> • Ch. 720 Ill. Comp. Stat. 5/11-1.40 • Definitions., 720 Ill. Comp. Stat. Ann. 5/11-0.1 • Sentencing, § 730 Ill. Comp. Stat. Ann. 5/5-4.5-25(a), (e) |

Criminal Sexual Abuse

| Question | Answer |
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| How is it defined? | <ul style="list-style-type: none"> • (a) - A person commits criminal sexual abuse if that person: <ul style="list-style-type: none"> • (1) commits an act of sexual conduct by the use of force or threat of force; or • (2) commits an act of sexual conduct and knows that the victim is unable to understand the nature of the act or is unable to give knowing consent. • (b) - A person commits criminal sexual abuse if that person is under 17 years of age and commits an act of sexual penetration or sexual conduct with a victim who is at least 9 years of age but under 17 years of age. • (c) - A person commits criminal sexual abuse if that person commits an act of sexual penetration or sexual conduct with a victim who is at least 13 years of age but under 17 years of age and the person is less than 5 years older than the victim. |
| What are the punishments for this crime? | <ul style="list-style-type: none"> • Criminal sexual abuse for a violation of subsection (b) or (c) of this Section is a Class A misdemeanor, for which a sentence of imprisonment shall be a determinate sentence for less than one year, and a fine of not less than \$75 but not to exceed \$2,500 for each offense. • Criminal sexual abuse for a violation of paragraph (1) or (2) of subsection (a) of this Section is a Class 4 felony, for which the sentence of imprisonment shall be a determinate sentence of not less than one year and not more than 3 years, and a fine of not less than \$75 but not to exceed \$25,000 for each offense. • A second or subsequent conviction for a violation of subsection (a) of this Section is a Class 2 felony, for which the sentence of imprisonment shall be a determinate sentence of not less than 3 years but not more than 7 years, and a fine of not less |

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| | <p>than \$75 but not to exceed \$25,000 for each offense.</p> <ul style="list-style-type: none"> • For purposes of this Section it is a second or subsequent conviction if the accused has at any time been convicted under this Section or under any similar statute of Illinois or any other state for any offense involving sexual abuse or sexual assault that is substantially equivalent to or more serious than the sexual abuse prohibited under this Section. |
| Anything else I should know? | <p>The following definitions are relevant to this crime:</p> <ul style="list-style-type: none"> • See Criminal Sexual Assault for additional relevant definitions. |
| Statutory citation(s): | <ul style="list-style-type: none"> • Ch. 720 Ill. Comp. Stat. 5/11-1.50 • Definitions., 720 Ill. Comp. Stat. Ann. 5/11-0.1 • Sentencing, 730 Ill. Comp. Stat. Ann. 5/5-4.5-55(a), (e); 5/5-5-4.5-45(a), (e); 5/5-5-4.5-35(a), (e). |

Aggravated Criminal Sexual Abuse

| Question | Answer |
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| How is it defined? | <p>A person commits aggravated criminal sexual abuse if:</p> <ul style="list-style-type: none"> • that person commits criminal sexual abuse and any of the following aggravating circumstances exist (i) during the commission of the offense or (ii) for purposes of paragraph (7), as part of the same course of conduct as the commission of the offense: <ul style="list-style-type: none"> • the person displays, threatens to use, or uses a dangerous weapon or any other object fashioned or used in a manner that leads the victim, under the circumstances, reasonably to believe that the object is a dangerous weapon; • the person causes bodily harm to the victim; • the victim is 60 years of age or older; • the victim is a person with a physical disability; • the person acts in a manner that threatens or endangers the life of the victim or any other person; • the person commits the criminal sexual abuse during the course of committing or attempting to commit any other felony; or • the person delivers (by injection, inhalation, ingestion, transfer of possession, or any other means) any controlled substance to the victim for other than medical purposes without the victim's consent or by threat or deception. • that person commits an act of sexual conduct with a victim who is under 18 years of age and the |

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| | <p>person is a family member.</p> <ul style="list-style-type: none"> • if: <ul style="list-style-type: none"> • that person is 17 years of age or over and: (i) commits an act of sexual conduct with a victim who is under 13 years of age; or (ii) commits an act of sexual conduct with a victim who is at least 13 years of age but under 17 years of age and the person uses force or threat of force to commit the act; or • that person is under 17 years of age and: (i) commits an act of sexual conduct with a victim who is under 9 years of age; or (ii) commits an act of sexual conduct with a victim who is at least 9 years of age but under 17 years of age and the person uses force or threat of force to commit the act. • that person commits an act of sexual penetration or sexual conduct with a victim who is at least 13 years of age but under 17 years of age and the person is at least 5 years older than the victim. • that person commits an act of sexual conduct with a victim who is a person with a severe or profound intellectual disability. • that person commits an act of sexual conduct with a victim who is at least 13 years of age but under 18 years of age and the person is 17 years of age or over and holds a position of trust, authority, or supervision in relation to the victim. |
| What are the punishments for this crime? | <ul style="list-style-type: none"> • Aggravated criminal sexual abuse is a Class 2 felony, for which the sentence of imprisonment shall be a determinate sentence of not less than 3 years but not more than 7 years, and a fine of not less than \$75 but not to exceed \$25,000 for each offense. |
| Anything else I should know? | <p>The following definitions are relevant to this crime:</p> <ul style="list-style-type: none"> • See Criminal Sexual Assault for additional relevant definitions. |
| Statutory citation(s): | <ul style="list-style-type: none"> • Ch. 720 Ill. Comp. Stat. 5/11-1.60 • Sentencing, 730 Ill. Comp. Stat. Ann. 5/5-4.5-35 |

Indecent Solicitation of a Child

| Question | Answer |
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| How is it defined? | <p>A person of the age of 17 years and upwards commits indecent solicitation of a child if the person:</p> <ul style="list-style-type: none"> • with the intent that the offense of aggravated criminal sexual assault, criminal sexual assault, predatory criminal sexual assault of a child, or aggravated criminal sexual abuse be committed, knowingly solicits a child or one whom he or she believes to be a child to perform an act of sexual penetration or sexual conduct as defined in Section 11-0.1 of this Code. |

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| | <ul style="list-style-type: none"> • knowingly discusses an act of sexual conduct or sexual penetration with a child or with one whom he or she believes to be 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. |
| What are the punishments for this crime? | <ul style="list-style-type: none"> • Aggravated criminal sexual abuse is a Class 2 felony, for which the sentence of imprisonment shall be a determinate sentence of not less than 3 years but not more than 7 years, and a fine of not less than \$75 but not to exceed \$25,000 for each offense. |
| Anything else I should know? | <p>The following definitions are relevant to this crime:</p> <ul style="list-style-type: none"> • “Solicit” means to command, authorize, urge, incite, request, or advise another to perform an act by any means including, but not limited to, in person, over the phone, in writing, by computer, or by advertisement of any kind. • “Child” means a person under 17 years of age. • “Internet” has the meaning set forth in Section 16-0.1 of this Code. • “Sexual penetration” or “sexual conduct” are defined in Section 11-0.1 of this Code. |
| Statutory citation(s): | <ul style="list-style-type: none"> • Ch. 720 Ill. Comp. Stat. 5/11-6 • Sentencing, 730 Ill. Comp. Stat. Ann. 5/5-4.5-35 |

Indecent Solicitation of an Adult

| Question | Answer |
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| How is it defined? | <p>A person commits indecent solicitation of an adult if the person knowingly:</p> <ul style="list-style-type: none"> • (a)(1) - Arranges for a person 17 years of age or over to commit an act of sexual penetration as defined in Section 11-0.1 with a person: <ul style="list-style-type: none"> • (i) Under the age of 13 years; or • (ii) Thirteen years of age or over but under the age of 17 years; or • (a)(2) Arranges for a person 17 years of age or over to commit an act of sexual conduct as defined in Section 11-0.1 with a person: <ul style="list-style-type: none"> • (i) Under the age of 13 years; or • (ii) Thirteen years of age or older but under the age of 17 years. |

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| <p>What are the punishments for this crime?</p> | <ul style="list-style-type: none"> • Violation of paragraph (a)(1)(i) is a Class X felony, for which the sentence of imprisonment shall be a determinate sentence of not less than 6 years and not more than 30 years, and a fine of not less than \$75 but not to exceed \$25,000 for each offense. • Violation of paragraph (a)(1)(ii) is a Class 1 felony, for which the sentence of imprisonment shall be a determinate sentence of not less than 4 years and not more than 15 years, and a fine of not less than \$75 but not to exceed \$25,000 for each offense. • Violation of paragraph (a)(2)(i) is a Class 2 felony, for which the sentence of imprisonment shall be a determinate sentence of not less than 3 years but not more than 7 years, and a fine of not less than \$75 but not to exceed \$25,000 for each offense. • Violation of paragraph (a)(2)(ii) is a Class A misdemeanor, for which a sentence of imprisonment shall be a determinate sentence for less than one year, and a fine of not less than \$75 but not to exceed \$2,500 for each offense. |
| <p>Anything else I should know?</p> | <p>The following definitions are relevant to this crime:</p> <ul style="list-style-type: none"> • “Arranges” includes but is not limited to oral or written communication and communication by telephone, computer, or other electronic means. • “Computer” has the meaning ascribed to it in Section 17-0.5 of this Code. |
| <p>Statutory citation(s):</p> | <ul style="list-style-type: none"> • Ch. 720 Ill. Comp. Stat. 5/11-6.5 • Sentencing, 730 Ill. Comp. Stat. Ann. 5/5-4.5-55(a), (e); 5/5-4.5-35(a), (e); 5/5-5-4.5-25(a), (e); 5/5-5-4.5-30(a), (e). |

Sodomy

| Question | Answer |
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| <p>How is it defined?</p> | <ul style="list-style-type: none"> • Illinois does not penalize sodomy. • Any state laws that outright prohibit sodomy are unconstitutional under <i>Lawrence v. Texas</i>, 539 U.S. 588 (2003). |
| <p>What are the punishments for this crime?</p> | <ul style="list-style-type: none"> • N/A |
| <p>Anything else I should know?</p> | <ul style="list-style-type: none"> • N/A |

Statutory citation(s):

• N/A