

Illinois Definitions of Sexual Assault, Stalking, Domestic Violence, and Dating Violence

Sexual Assault	Stalking	Domestic Violence	Dating Violence
<p>Under Illinois law, "criminal sexual assault" is defined as:</p> <ol style="list-style-type: none"> 1) A person commits criminal sexual assault if that person commits an act of sexual penetration and: <ol style="list-style-type: none"> a) uses force or threat of force; b) knows that the victim is unable to understand the nature of the act or is unable to give knowing consent; c) is a family member of the victim, and the victim is under 18 years of age; or d) 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. <p>720 Ill. Comp. Stat. Ann. 5/11-1.20</p> <p>In certain circumstances, criminal sexual assault may be aggravated criminal sexual assault. 720 Ill. Comp. Stat. Ann. 5/11-1.30</p> <p>In certain circumstances, criminal sexual assault may be predatory criminal sexual assault of a child. 720 Ill. Comp. Stat. Ann. 5/11-1.40</p> <p>Under Illinois law, "criminal sexual abuse" is defined as:</p> <ol style="list-style-type: none"> 1) A person commits criminal sexual abuse if that person: <ol style="list-style-type: none"> a) commits an act of sexual conduct by the use of force or threat of force; or b) 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. 2) 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. 3) 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. <p>720 Ill. Comp. Stat. Ann. 5/11-1.50</p> <p>In certain circumstances, criminal sexual abuse may be aggravated criminal sexual abuse. 720 Ill. Comp. Stat. Ann. 5/11-1.60</p> <p>Under Illinois law, "sexual conduct" is defined as:</p> <ol style="list-style-type: none"> 1) 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. <p>720 Ill. Comp. Stat. Ann. 5/11-0.1</p> <p>Under Illinois law, "consent" is defined as "a freely given agreement to the act of sexual penetration or sexual conduct in question. Lack of verbal or physical resistance or submission by the victim resulting from the use of force or threat of force by the accused shall not constitute consent. The manner of dress of the victim at the time of the offense shall not constitute consent." Additionally, "person who initially consents to sexual penetration or sexual conduct is not deemed to have consented to any sexual penetration or sexual conduct that occurs after he or she withdraws consent during the course of that sexual penetration or sexual conduct." 720 Ill. Comp. Stat. Ann. 5/11-1.70</p>	<p>Under Illinois law, "stalking" is defined as:</p> <ol style="list-style-type: none"> 1) A person commits stalking when he or she knowingly engages in a course of conduct directed at a specific person, and he or she knows or should know that this course of conduct would cause a reasonable person to: <ol style="list-style-type: none"> a) fear for his or her safety or the safety of a third person; or b) suffer other emotional distress. 2) A person commits stalking when he or she, knowingly and without lawful justification, on at least 2 separate occasions follows another person or places the person under surveillance or any combination thereof and: <ol style="list-style-type: none"> a) at any time transmits a threat of immediate or future bodily harm, sexual assault, confinement or restraint and the threat is directed towards that person or a family member of that person; or b) places that person in reasonable apprehension of immediate or future bodily harm, sexual assault, confinement or restraint to or of that person or a family member of that person. 3) A person commits stalking when he or she has previously been convicted of stalking another person and knowingly and without lawful justification on one occasion: <ol style="list-style-type: none"> a) follows that same person or places that same person under surveillance; and b) transmits a threat of immediate or future bodily harm, sexual assault, confinement or restraint to that person or a family member of that person. <p>720 Ill. Comp. Stat. Ann. 5/12-7.3</p> <p>In certain circumstances, stalking may be aggravated stalking. 720 Ill. Comp. Stat. Ann. 5/12-7.4</p> <p>In certain circumstances, stalking may be cyberstalking. 720 Ill. Comp. Stat. Ann. 5/12-7.5</p> <p>Also consider whether stalking conduct is harassment as defined by the Illinois Domestic Violence Act of 1986. 750 Ill. Comp. Stat. Ann. 60/103</p>	<p>Under Illinois law "domestic violence" is defined as:</p> <ol style="list-style-type: none"> 1) Physical abuse, harassment, intimidation of a dependent, interference with personal liberty or willful deprivation but does not include reasonable direction of a minor child by a parent or person in loco parentis. 750 Ill. Comp. Stat. Ann. 60/103 <p>The Illinois Domestic Violence Act of 1986 protects:</p> <ol style="list-style-type: none"> 1) Any person abused by a family or household member. <ol style="list-style-type: none"> a) Family or household member is defined as: spouses, former spouses, parents, children, stepchildren and other persons related by blood or by present or prior marriage, persons who share or formerly shared a common dwelling, persons who have or allegedly have a child in common, persons who share or allegedly share a blood relationship through a child, persons who have or have had a dating or engagement relationship, persons with disabilities and their personal assistants, and certain caregivers. 2) Any high-risk adult with disabilities who is abused, neglected, or exploited by a family or household member; 3) Any minor child or dependent adult in the care of such person; and 4) Any person residing or employed at a private home or public shelter which is housing an abused family or household member. <p>750 Ill. Comp. Stat. Ann. 60/201</p> <p>750 Ill. Comp. Stat. Ann. 60/103</p>	<p>The term "dating violence" is not defined under Illinois law.</p> <p>However, the Illinois Domestic Violence Act of 1986 protects any person abused by a family or household member. "Family or household member" is defined to include persons who have or have had a dating or engagement relationship. 750 Ill. Comp. Stat. Ann. 60/201</p> <p>750 Ill. Comp. Stat. Ann. 60/103</p>