

24-25.23 Prosecutions Brought Under Exceptions To The Statute Of Limitations Normally Applicable

A prosecution for _____ must be commenced within [(3 years) (18 months)] after the alleged commission of that offense unless the following exception[s] [(is) (are)] present: _____.

The State has the burden of proving beyond a reasonable doubt that the above exception[s] [(is) (are)] present in this case.

Committee Note

720 ILCS 5/3-5, 3-6, 3-7, and 3-8 (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §§3-5, 3-6, 3-7, and 3-8 (1991)).

Give Instruction 24-25.23A.

In *People v. Morris*, 135 Ill.2d 540, 546, 554 N.E.2d 150, 153, 143 Ill.Dec. 215, 218 (1990), the supreme court wrote the following:

“Where an indictment on its face shows that an offense was not committed within the applicable limitation period, it becomes an element of the State's case to allege and prove the existence of facts which invoke an exception to the limitation period. [Citation omitted.] As with other elements which the State must prove, such as the elements of the offense with which a defendant is being charged, ‘[t]he grounds upon which the People seek to wrest from a defendant the protection of section 3-5 of the Criminal Code [the statute of limitations] should be stated in the information with sufficient specificity to enable him to defend against them.’ ”

Insert in the first blank the name of the offense charged.

Insert in the second blank the exception relied upon by the State.

Use applicable bracketed material.