



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB5134

by Rep. Robert S. Molaro

SYNOPSIS AS INTRODUCED:

730 ILCS 5/5-5-3.2

from Ch. 38, par. 1005-5-3.2

Amends the Unified Code of Corrections. Provides that the court may impose an extended term sentence upon any offender who was convicted of aggravated criminal sexual assault or predatory criminal sexual assault of a child (rather than aggravated criminal sexual assault or predatory criminal sexual assault of a child in which the accused was 17 years of age or over and committed an act of sexual penetration with a victim who was under 13 years of age when the act was committed) where the victim was under 18 years of age at the time of the commission of the offense. Effective immediately.

LRB095 16308 RLC 42332 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Unified Code of Corrections is amended by
5 changing Section 5-5-3.2 as follows:

6 (730 ILCS 5/5-5-3.2) (from Ch. 38, par. 1005-5-3.2)

7 (Text of Section before amendment by P.A. 95-569)

8 Sec. 5-5-3.2. Factors in Aggravation.

9 (a) The following factors shall be accorded weight in favor
10 of imposing a term of imprisonment or may be considered by the
11 court as reasons to impose a more severe sentence under Section
12 5-8-1:

13 (1) the defendant's conduct caused or threatened
14 serious harm;

15 (2) the defendant received compensation for committing
16 the offense;

17 (3) the defendant has a history of prior delinquency or
18 criminal activity;

19 (4) the defendant, by the duties of his office or by
20 his position, was obliged to prevent the particular offense
21 committed or to bring the offenders committing it to
22 justice;

23 (5) the defendant held public office at the time of the

1 offense, and the offense related to the conduct of that
2 office;

3 (6) the defendant utilized his professional reputation
4 or position in the community to commit the offense, or to
5 afford him an easier means of committing it;

6 (7) the sentence is necessary to deter others from
7 committing the same crime;

8 (8) the defendant committed the offense against a
9 person 60 years of age or older or such person's property;

10 (9) the defendant committed the offense against a
11 person who is physically handicapped or such person's
12 property;

13 (10) by reason of another individual's actual or
14 perceived race, color, creed, religion, ancestry, gender,
15 sexual orientation, physical or mental disability, or
16 national origin, the defendant committed the offense
17 against (i) the person or property of that individual; (ii)
18 the person or property of a person who has an association
19 with, is married to, or has a friendship with the other
20 individual; or (iii) the person or property of a relative
21 (by blood or marriage) of a person described in clause (i)
22 or (ii). For the purposes of this Section, "sexual
23 orientation" means heterosexuality, homosexuality, or
24 bisexuality;

25 (11) the offense took place in a place of worship or on
26 the grounds of a place of worship, immediately prior to,

1 during or immediately following worship services. For
2 purposes of this subparagraph, "place of worship" shall
3 mean any church, synagogue or other building, structure or
4 place used primarily for religious worship;

5 (12) the defendant was convicted of a felony committed
6 while he was released on bail or his own recognizance
7 pending trial for a prior felony and was convicted of such
8 prior felony, or the defendant was convicted of a felony
9 committed while he was serving a period of probation,
10 conditional discharge, or mandatory supervised release
11 under subsection (d) of Section 5-8-1 for a prior felony;

12 (13) the defendant committed or attempted to commit a
13 felony while he was wearing a bulletproof vest. For the
14 purposes of this paragraph (13), a bulletproof vest is any
15 device which is designed for the purpose of protecting the
16 wearer from bullets, shot or other lethal projectiles;

17 (14) the defendant held a position of trust or
18 supervision such as, but not limited to, family member as
19 defined in Section 12-12 of the Criminal Code of 1961,
20 teacher, scout leader, baby sitter, or day care worker, in
21 relation to a victim under 18 years of age, and the
22 defendant committed an offense in violation of Section
23 11-6, 11-11, 11-15.1, 11-19.1, 11-19.2, 11-20.1, 12-13,
24 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961
25 against that victim;

26 (15) the defendant committed an offense related to the

1 activities of an organized gang. For the purposes of this
2 factor, "organized gang" has the meaning ascribed to it in
3 Section 10 of the Streetgang Terrorism Omnibus Prevention
4 Act;

5 (16) the defendant committed an offense in violation of
6 one of the following Sections while in a school, regardless
7 of the time of day or time of year; on any conveyance
8 owned, leased, or contracted by a school to transport
9 students to or from school or a school related activity; on
10 the real property of a school; or on a public way within
11 1,000 feet of the real property comprising any school:
12 Section 10-1, 10-2, 10-5, 11-15.1, 11-17.1, 11-18.1,
13 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
14 12-6, 12-6.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, 18-2, or
15 33A-2 of the Criminal Code of 1961;

16 (16.5) the defendant committed an offense in violation
17 of one of the following Sections while in a day care
18 center, regardless of the time of day or time of year; on
19 the real property of a day care center, regardless of the
20 time of day or time of year; or on a public way within
21 1,000 feet of the real property comprising any day care
22 center, regardless of the time of day or time of year:
23 Section 10-1, 10-2, 10-5, 11-15.1, 11-17.1, 11-18.1,
24 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
25 12-6, 12-6.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, 18-2, or
26 33A-2 of the Criminal Code of 1961;

1 (17) the defendant committed the offense by reason of
2 any person's activity as a community policing volunteer or
3 to prevent any person from engaging in activity as a
4 community policing volunteer. For the purpose of this
5 Section, "community policing volunteer" has the meaning
6 ascribed to it in Section 2-3.5 of the Criminal Code of
7 1961;

8 (18) the defendant committed the offense in a nursing
9 home or on the real property comprising a nursing home. For
10 the purposes of this paragraph (18), "nursing home" means a
11 skilled nursing or intermediate long term care facility
12 that is subject to license by the Illinois Department of
13 Public Health under the Nursing Home Care Act;

14 (19) the defendant was a federally licensed firearm
15 dealer and was previously convicted of a violation of
16 subsection (a) of Section 3 of the Firearm Owners
17 Identification Card Act and has now committed either a
18 felony violation of the Firearm Owners Identification Card
19 Act or an act of armed violence while armed with a firearm;

20 (20) the defendant (i) committed the offense of
21 reckless homicide under Section 9-3 of the Criminal Code of
22 1961 or the offense of driving under the influence of
23 alcohol, other drug or drugs, intoxicating compound or
24 compounds or any combination thereof under Section 11-501
25 of the Illinois Vehicle Code or a similar provision of a
26 local ordinance and (ii) was operating a motor vehicle in

1 excess of 20 miles per hour over the posted speed limit as
2 provided in Article VI of Chapter 11 of the Illinois
3 Vehicle Code;

4 (21) the defendant (i) committed the offense of
5 reckless driving or aggravated reckless driving under
6 Section 11-503 of the Illinois Vehicle Code and (ii) was
7 operating a motor vehicle in excess of 20 miles per hour
8 over the posted speed limit as provided in Article VI of
9 Chapter 11 of the Illinois Vehicle Code; or

10 (22) the defendant committed the offense against a
11 person that the defendant knew, or reasonably should have
12 known, was a member of the Armed Forces of the United
13 States serving on active duty. For purposes of this clause
14 (22), the term "Armed Forces" means any of the Armed Forces
15 of the United States, including a member of any reserve
16 component thereof or National Guard unit called to active
17 duty.

18 For the purposes of this Section:

19 "School" is defined as a public or private elementary or
20 secondary school, community college, college, or university.

21 "Day care center" means a public or private State certified
22 and licensed day care center as defined in Section 2.09 of the
23 Child Care Act of 1969 that displays a sign in plain view
24 stating that the property is a day care center.

25 (b) The following factors may be considered by the court as
26 reasons to impose an extended term sentence under Section 5-8-2

1 upon any offender:

2 (1) When a defendant is convicted of any felony, after
3 having been previously convicted in Illinois or any other
4 jurisdiction of the same or similar class felony or greater
5 class felony, when such conviction has occurred within 10
6 years after the previous conviction, excluding time spent
7 in custody, and such charges are separately brought and
8 tried and arise out of different series of acts; or

9 (2) When a defendant is convicted of any felony and the
10 court finds that the offense was accompanied by
11 exceptionally brutal or heinous behavior indicative of
12 wanton cruelty; or

13 (3) When a defendant is convicted of voluntary
14 manslaughter, second degree murder, involuntary
15 manslaughter or reckless homicide in which the defendant
16 has been convicted of causing the death of more than one
17 individual; or

18 (4) When a defendant is convicted of any felony
19 committed against:

20 (i) a person under 12 years of age at the time of
21 the offense or such person's property;

22 (ii) a person 60 years of age or older at the time
23 of the offense or such person's property; or

24 (iii) a person physically handicapped at the time
25 of the offense or such person's property; or

26 (5) In the case of a defendant convicted of aggravated

1 criminal sexual assault or criminal sexual assault, when
2 the court finds that aggravated criminal sexual assault or
3 criminal sexual assault was also committed on the same
4 victim by one or more other individuals, and the defendant
5 voluntarily participated in the crime with the knowledge of
6 the participation of the others in the crime, and the
7 commission of the crime was part of a single course of
8 conduct during which there was no substantial change in the
9 nature of the criminal objective; or

10 (6) When a defendant is convicted of any felony and the
11 offense involved any of the following types of specific
12 misconduct committed as part of a ceremony, rite,
13 initiation, observance, performance, practice or activity
14 of any actual or ostensible religious, fraternal, or social
15 group:

16 (i) the brutalizing or torturing of humans or
17 animals;

18 (ii) the theft of human corpses;

19 (iii) the kidnapping of humans;

20 (iv) the desecration of any cemetery, religious,
21 fraternal, business, governmental, educational, or
22 other building or property; or

23 (v) ritualized abuse of a child; or

24 (7) When a defendant is convicted of first degree
25 murder, after having been previously convicted in Illinois
26 of any offense listed under paragraph (c)(2) of Section

1 5-5-3, when such conviction has occurred within 10 years
2 after the previous conviction, excluding time spent in
3 custody, and such charges are separately brought and tried
4 and arise out of different series of acts; or

5 (8) When a defendant is convicted of a felony other
6 than conspiracy and the court finds that the felony was
7 committed under an agreement with 2 or more other persons
8 to commit that offense and the defendant, with respect to
9 the other individuals, occupied a position of organizer,
10 supervisor, financier, or any other position of management
11 or leadership, and the court further finds that the felony
12 committed was related to or in furtherance of the criminal
13 activities of an organized gang or was motivated by the
14 defendant's leadership in an organized gang; or

15 (9) When a defendant is convicted of a felony violation
16 of Section 24-1 of the Criminal Code of 1961 and the court
17 finds that the defendant is a member of an organized gang;
18 or

19 (10) When a defendant committed the offense using a
20 firearm with a laser sight attached to it. For purposes of
21 this paragraph (10), "laser sight" has the meaning ascribed
22 to it in Section 24.6-5 of the Criminal Code of 1961; or

23 (11) When a defendant who was at least 17 years of age
24 at the time of the commission of the offense is convicted
25 of a felony and has been previously adjudicated a
26 delinquent minor under the Juvenile Court Act of 1987 for

1 an act that if committed by an adult would be a Class X or
2 Class 1 felony when the conviction has occurred within 10
3 years after the previous adjudication, excluding time
4 spent in custody; or

5 (12) When a defendant commits an offense involving the
6 illegal manufacture of a controlled substance under
7 Section 401 of the Illinois Controlled Substances Act, the
8 illegal manufacture of methamphetamine under Section 25 of
9 the Methamphetamine Control and Community Protection Act,
10 or the illegal possession of explosives and an emergency
11 response officer in the performance of his or her duties is
12 killed or injured at the scene of the offense while
13 responding to the emergency caused by the commission of the
14 offense. In this paragraph (12), "emergency" means a
15 situation in which a person's life, health, or safety is in
16 jeopardy; and "emergency response officer" means a peace
17 officer, community policing volunteer, fireman, emergency
18 medical technician-ambulance, emergency medical
19 technician-intermediate, emergency medical
20 technician-paramedic, ambulance driver, other medical
21 assistance or first aid personnel, or hospital emergency
22 room personnel; or

23 (13) When a defendant commits any felony and the
24 defendant used, possessed, exercised control over, or
25 otherwise directed an animal to assault a law enforcement
26 officer engaged in the execution of his or her official

1 duties or in furtherance of the criminal activities of an
2 organized gang in which the defendant is engaged.

3 (b-1) For the purposes of this Section, "organized gang"
4 has the meaning ascribed to it in Section 10 of the Illinois
5 Streetgang Terrorism Omnibus Prevention Act.

6 (c) The court may impose an extended term sentence under
7 Section 5-8-2 upon any offender who was convicted of aggravated
8 criminal sexual assault or predatory criminal sexual assault of
9 a child ~~under subsection (a)(1) of Section 12-14.1 of the~~
10 ~~Criminal Code of 1961~~ where the victim was under 18 years of
11 age at the time of the commission of the offense.

12 (d) The court may impose an extended term sentence under
13 Section 5-8-2 upon any offender who was convicted of unlawful
14 use of weapons under Section 24-1 of the Criminal Code of 1961
15 for possessing a weapon that is not readily distinguishable as
16 one of the weapons enumerated in Section 24-1 of the Criminal
17 Code of 1961.

18 (e) The court may impose an extended term sentence under
19 Section 5-8-2 upon an offender who has been convicted of first
20 degree murder when the offender has previously been convicted
21 of domestic battery or aggravated domestic battery committed
22 against the murdered individual or has previously been
23 convicted of violation of an order of protection in which the
24 murdered individual was the protected person.

25 (Source: P.A. 94-131, eff. 7-7-05; 94-375, eff. 1-1-06; 94-556,
26 eff. 9-11-05; 94-819, eff. 5-31-06; 95-85, eff. 1-1-08; 95-362,

1 eff. 1-1-08; revised 11-19-07.)

2 (Text of Section after amendment by P.A. 95-569)

3 Sec. 5-5-3.2. Factors in Aggravation.

4 (a) The following factors shall be accorded weight in favor
5 of imposing a term of imprisonment or may be considered by the
6 court as reasons to impose a more severe sentence under Section
7 5-8-1:

8 (1) the defendant's conduct caused or threatened
9 serious harm;

10 (2) the defendant received compensation for committing
11 the offense;

12 (3) the defendant has a history of prior delinquency or
13 criminal activity;

14 (4) the defendant, by the duties of his office or by
15 his position, was obliged to prevent the particular offense
16 committed or to bring the offenders committing it to
17 justice;

18 (5) the defendant held public office at the time of the
19 offense, and the offense related to the conduct of that
20 office;

21 (6) the defendant utilized his professional reputation
22 or position in the community to commit the offense, or to
23 afford him an easier means of committing it;

24 (7) the sentence is necessary to deter others from
25 committing the same crime;

1 (8) the defendant committed the offense against a
2 person 60 years of age or older or such person's property;

3 (9) the defendant committed the offense against a
4 person who is physically handicapped or such person's
5 property;

6 (10) by reason of another individual's actual or
7 perceived race, color, creed, religion, ancestry, gender,
8 sexual orientation, physical or mental disability, or
9 national origin, the defendant committed the offense
10 against (i) the person or property of that individual; (ii)
11 the person or property of a person who has an association
12 with, is married to, or has a friendship with the other
13 individual; or (iii) the person or property of a relative
14 (by blood or marriage) of a person described in clause (i)
15 or (ii). For the purposes of this Section, "sexual
16 orientation" means heterosexuality, homosexuality, or
17 bisexuality;

18 (11) the offense took place in a place of worship or on
19 the grounds of a place of worship, immediately prior to,
20 during or immediately following worship services. For
21 purposes of this subparagraph, "place of worship" shall
22 mean any church, synagogue or other building, structure or
23 place used primarily for religious worship;

24 (12) the defendant was convicted of a felony committed
25 while he was released on bail or his own recognizance
26 pending trial for a prior felony and was convicted of such

1 prior felony, or the defendant was convicted of a felony
2 committed while he was serving a period of probation,
3 conditional discharge, or mandatory supervised release
4 under subsection (d) of Section 5-8-1 for a prior felony;

5 (13) the defendant committed or attempted to commit a
6 felony while he was wearing a bulletproof vest. For the
7 purposes of this paragraph (13), a bulletproof vest is any
8 device which is designed for the purpose of protecting the
9 wearer from bullets, shot or other lethal projectiles;

10 (14) the defendant held a position of trust or
11 supervision such as, but not limited to, family member as
12 defined in Section 12-12 of the Criminal Code of 1961,
13 teacher, scout leader, baby sitter, or day care worker, in
14 relation to a victim under 18 years of age, and the
15 defendant committed an offense in violation of Section
16 11-6, 11-11, 11-15.1, 11-19.1, 11-19.2, 11-20.1, 12-13,
17 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961
18 against that victim;

19 (15) the defendant committed an offense related to the
20 activities of an organized gang. For the purposes of this
21 factor, "organized gang" has the meaning ascribed to it in
22 Section 10 of the Streetgang Terrorism Omnibus Prevention
23 Act;

24 (16) the defendant committed an offense in violation of
25 one of the following Sections while in a school, regardless
26 of the time of day or time of year; on any conveyance

1 owned, leased, or contracted by a school to transport
2 students to or from school or a school related activity; on
3 the real property of a school; or on a public way within
4 1,000 feet of the real property comprising any school:
5 Section 10-1, 10-2, 10-5, 11-15.1, 11-17.1, 11-18.1,
6 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
7 12-6, 12-6.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, 18-2, or
8 33A-2 of the Criminal Code of 1961;

9 (16.5) the defendant committed an offense in violation
10 of one of the following Sections while in a day care
11 center, regardless of the time of day or time of year; on
12 the real property of a day care center, regardless of the
13 time of day or time of year; or on a public way within
14 1,000 feet of the real property comprising any day care
15 center, regardless of the time of day or time of year:
16 Section 10-1, 10-2, 10-5, 11-15.1, 11-17.1, 11-18.1,
17 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
18 12-6, 12-6.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, 18-2, or
19 33A-2 of the Criminal Code of 1961;

20 (17) the defendant committed the offense by reason of
21 any person's activity as a community policing volunteer or
22 to prevent any person from engaging in activity as a
23 community policing volunteer. For the purpose of this
24 Section, "community policing volunteer" has the meaning
25 ascribed to it in Section 2-3.5 of the Criminal Code of
26 1961;

1 (18) the defendant committed the offense in a nursing
2 home or on the real property comprising a nursing home. For
3 the purposes of this paragraph (18), "nursing home" means a
4 skilled nursing or intermediate long term care facility
5 that is subject to license by the Illinois Department of
6 Public Health under the Nursing Home Care Act;

7 (19) the defendant was a federally licensed firearm
8 dealer and was previously convicted of a violation of
9 subsection (a) of Section 3 of the Firearm Owners
10 Identification Card Act and has now committed either a
11 felony violation of the Firearm Owners Identification Card
12 Act or an act of armed violence while armed with a firearm;

13 (20) the defendant (i) committed the offense of
14 reckless homicide under Section 9-3 of the Criminal Code of
15 1961 or the offense of driving under the influence of
16 alcohol, other drug or drugs, intoxicating compound or
17 compounds or any combination thereof under Section 11-501
18 of the Illinois Vehicle Code or a similar provision of a
19 local ordinance and (ii) was operating a motor vehicle in
20 excess of 20 miles per hour over the posted speed limit as
21 provided in Article VI of Chapter 11 of the Illinois
22 Vehicle Code;

23 (21) the defendant (i) committed the offense of
24 reckless driving or aggravated reckless driving under
25 Section 11-503 of the Illinois Vehicle Code and (ii) was
26 operating a motor vehicle in excess of 20 miles per hour

1 over the posted speed limit as provided in Article VI of
2 Chapter 11 of the Illinois Vehicle Code; ~~or~~

3 (22) the defendant committed the offense against a
4 person that the defendant knew, or reasonably should have
5 known, was a member of the Armed Forces of the United
6 States serving on active duty. For purposes of this clause
7 (22), the term "Armed Forces" means any of the Armed Forces
8 of the United States, including a member of any reserve
9 component thereof or National Guard unit called to active
10 duty; or -

11 (23) ~~(22)~~ the defendant committed the offense against a
12 person who was elderly, disabled, or infirm by taking
13 advantage of a family or fiduciary relationship with the
14 elderly, disabled, or infirm person.

15 For the purposes of this Section:

16 "School" is defined as a public or private elementary or
17 secondary school, community college, college, or university.

18 "Day care center" means a public or private State certified
19 and licensed day care center as defined in Section 2.09 of the
20 Child Care Act of 1969 that displays a sign in plain view
21 stating that the property is a day care center.

22 (b) The following factors may be considered by the court as
23 reasons to impose an extended term sentence under Section 5-8-2
24 upon any offender:

25 (1) When a defendant is convicted of any felony, after
26 having been previously convicted in Illinois or any other

1 jurisdiction of the same or similar class felony or greater
2 class felony, when such conviction has occurred within 10
3 years after the previous conviction, excluding time spent
4 in custody, and such charges are separately brought and
5 tried and arise out of different series of acts; or

6 (2) When a defendant is convicted of any felony and the
7 court finds that the offense was accompanied by
8 exceptionally brutal or heinous behavior indicative of
9 wanton cruelty; or

10 (3) When a defendant is convicted of voluntary
11 manslaughter, second degree murder, involuntary
12 manslaughter or reckless homicide in which the defendant
13 has been convicted of causing the death of more than one
14 individual; or

15 (4) When a defendant is convicted of any felony
16 committed against:

17 (i) a person under 12 years of age at the time of
18 the offense or such person's property;

19 (ii) a person 60 years of age or older at the time
20 of the offense or such person's property; or

21 (iii) a person physically handicapped at the time
22 of the offense or such person's property; or

23 (5) In the case of a defendant convicted of aggravated
24 criminal sexual assault or criminal sexual assault, when
25 the court finds that aggravated criminal sexual assault or
26 criminal sexual assault was also committed on the same

1 victim by one or more other individuals, and the defendant
2 voluntarily participated in the crime with the knowledge of
3 the participation of the others in the crime, and the
4 commission of the crime was part of a single course of
5 conduct during which there was no substantial change in the
6 nature of the criminal objective; or

7 (6) When a defendant is convicted of any felony and the
8 offense involved any of the following types of specific
9 misconduct committed as part of a ceremony, rite,
10 initiation, observance, performance, practice or activity
11 of any actual or ostensible religious, fraternal, or social
12 group:

13 (i) the brutalizing or torturing of humans or
14 animals;

15 (ii) the theft of human corpses;

16 (iii) the kidnapping of humans;

17 (iv) the desecration of any cemetery, religious,
18 fraternal, business, governmental, educational, or
19 other building or property; or

20 (v) ritualized abuse of a child; or

21 (7) When a defendant is convicted of first degree
22 murder, after having been previously convicted in Illinois
23 of any offense listed under paragraph (c)(2) of Section
24 5-5-3, when such conviction has occurred within 10 years
25 after the previous conviction, excluding time spent in
26 custody, and such charges are separately brought and tried

1 and arise out of different series of acts; or

2 (8) When a defendant is convicted of a felony other
3 than conspiracy and the court finds that the felony was
4 committed under an agreement with 2 or more other persons
5 to commit that offense and the defendant, with respect to
6 the other individuals, occupied a position of organizer,
7 supervisor, financier, or any other position of management
8 or leadership, and the court further finds that the felony
9 committed was related to or in furtherance of the criminal
10 activities of an organized gang or was motivated by the
11 defendant's leadership in an organized gang; or

12 (9) When a defendant is convicted of a felony violation
13 of Section 24-1 of the Criminal Code of 1961 and the court
14 finds that the defendant is a member of an organized gang;
15 or

16 (10) When a defendant committed the offense using a
17 firearm with a laser sight attached to it. For purposes of
18 this paragraph (10), "laser sight" has the meaning ascribed
19 to it in Section 24.6-5 of the Criminal Code of 1961; or

20 (11) When a defendant who was at least 17 years of age
21 at the time of the commission of the offense is convicted
22 of a felony and has been previously adjudicated a
23 delinquent minor under the Juvenile Court Act of 1987 for
24 an act that if committed by an adult would be a Class X or
25 Class 1 felony when the conviction has occurred within 10
26 years after the previous adjudication, excluding time

1 spent in custody; or

2 (12) When a defendant commits an offense involving the
3 illegal manufacture of a controlled substance under
4 Section 401 of the Illinois Controlled Substances Act, the
5 illegal manufacture of methamphetamine under Section 25 of
6 the Methamphetamine Control and Community Protection Act,
7 or the illegal possession of explosives and an emergency
8 response officer in the performance of his or her duties is
9 killed or injured at the scene of the offense while
10 responding to the emergency caused by the commission of the
11 offense. In this paragraph (12), "emergency" means a
12 situation in which a person's life, health, or safety is in
13 jeopardy; and "emergency response officer" means a peace
14 officer, community policing volunteer, fireman, emergency
15 medical technician-ambulance, emergency medical
16 technician-intermediate, emergency medical
17 technician-paramedic, ambulance driver, other medical
18 assistance or first aid personnel, or hospital emergency
19 room personnel; or

20 (13) When a defendant commits any felony and the
21 defendant used, possessed, exercised control over, or
22 otherwise directed an animal to assault a law enforcement
23 officer engaged in the execution of his or her official
24 duties or in furtherance of the criminal activities of an
25 organized gang in which the defendant is engaged.

26 (b-1) For the purposes of this Section, "organized gang"

1 has the meaning ascribed to it in Section 10 of the Illinois
2 Streetgang Terrorism Omnibus Prevention Act.

3 (c) The court may impose an extended term sentence under
4 Section 5-8-2 upon any offender who was convicted of aggravated
5 criminal sexual assault or predatory criminal sexual assault of
6 a child ~~under subsection (a)(1) of Section 12-14.1 of the~~
7 ~~Criminal Code of 1961~~ where the victim was under 18 years of
8 age at the time of the commission of the offense.

9 (d) The court may impose an extended term sentence under
10 Section 5-8-2 upon any offender who was convicted of unlawful
11 use of weapons under Section 24-1 of the Criminal Code of 1961
12 for possessing a weapon that is not readily distinguishable as
13 one of the weapons enumerated in Section 24-1 of the Criminal
14 Code of 1961.

15 (e) The court may impose an extended term sentence under
16 Section 5-8-2 upon an offender who has been convicted of first
17 degree murder when the offender has previously been convicted
18 of domestic battery or aggravated domestic battery committed
19 against the murdered individual or has previously been
20 convicted of violation of an order of protection in which the
21 murdered individual was the protected person.

22 (Source: P.A. 94-131, eff. 7-7-05; 94-375, eff. 1-1-06; 94-556,
23 eff. 9-11-05; 94-819, eff. 5-31-06; 95-85, eff. 1-1-08; 95-362,
24 eff. 1-1-08; 95-569, eff. 6-1-08; revised 11-19-07.)

25 Section 95. No acceleration or delay. Where this Act makes

1 changes in a statute that is represented in this Act by text
2 that is not yet or no longer in effect (for example, a Section
3 represented by multiple versions), the use of that text does
4 not accelerate or delay the taking effect of (i) the changes
5 made by this Act or (ii) provisions derived from any other
6 Public Act.

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.