



Sen. William R. Haine

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09700SB1041sam001

LRB097 04766 RLC 54392 a

1 AMENDMENT TO SENATE BILL 1041

2 AMENDMENT NO. _____. Amend Senate Bill 1041 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Intent; purpose. After the finding of the
5 Illinois Supreme Court in *People v. Hauschild*, 226 Ill.2d 63
6 (2007), regarding unconstitutionally disproportionate
7 penalties, the General Assembly passed legislation that became
8 Public Act 95-688. Among other things, Public Act 95-688
9 amended Sections 33A-2 and 33A-3 of the Criminal Code of 1961
10 with the intention of ensuring the validity of the enhanced
11 penalty provisions of Section 18-2 of the Criminal Code of
12 1961. However, in *People v. Coleman*, 399 Ill.App.3d 1150
13 (2010), the Fourth District Appellate Court found that the
14 enhanced penalty provisions of Section 18-2 of the Criminal
15 Code of 1961 were void ab initio, notwithstanding Public Act
16 95-688. This Act is an explicit reenactment of Section 18-2 of
17 the Criminal Code of 1961.

1 Section 5. Section 18-2 of the Criminal Code of 1961 is
2 reenacted as follows:

3 (720 ILCS 5/18-2) (from Ch. 38, par. 18-2)

4 Sec. 18-2. Armed robbery.

5 (a) A person commits armed robbery when he or she violates
6 Section 18-1; and

7 (1) he or she carries on or about his or her person or
8 is otherwise armed with a dangerous weapon other than a
9 firearm; or

10 (2) he or she carries on or about his or her person or
11 is otherwise armed with a firearm; or

12 (3) he or she, during the commission of the offense,
13 personally discharges a firearm; or

14 (4) he or she, during the commission of the offense,
15 personally discharges a firearm that proximately causes
16 great bodily harm, permanent disability, permanent
17 disfigurement, or death to another person.

18 (b) Sentence.

19 Armed robbery in violation of subsection (a)(1) is a Class
20 X felony. A violation of subsection (a)(2) is a Class X felony
21 for which 15 years shall be added to the term of imprisonment
22 imposed by the court. A violation of subsection (a)(3) is a
23 Class X felony for which 20 years shall be added to the term of
24 imprisonment imposed by the court. A violation of subsection

1 (a) (4) is a Class X felony for which 25 years or up to a term of
2 natural life shall be added to the term of imprisonment imposed
3 by the court.

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

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.".