



Sen. William R. Haine

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LRB098 05267 RLC 55983 a

1 AMENDMENT TO SENATE BILL 1008

2 AMENDMENT NO. _____. Amend Senate Bill 1008 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Unified Code of Corrections is amended by
5 changing Sections 3-3-2, 3-3-13, 5-4.5-20, and 5-8-1 as
6 follows:

7 (730 ILCS 5/3-3-2) (from Ch. 38, par. 1003-3-2)

8 Sec. 3-3-2. Powers and Duties.

9 (a) The Parole and Pardon Board is abolished and the term
10 "Parole and Pardon Board" as used in any law of Illinois, shall
11 read "Prisoner Review Board." After the effective date of this
12 amendatory Act of 1977, the Prisoner Review Board shall provide
13 by rule for the orderly transition of all files, records, and
14 documents of the Parole and Pardon Board and for such other
15 steps as may be necessary to effect an orderly transition and
16 shall:

1 (1) hear by at least one member and through a panel of
2 at least 3 members decide, cases of prisoners who were
3 sentenced under the law in effect prior to the effective
4 date of this amendatory Act of 1977, and who are eligible
5 for parole;

6 (2) hear by at least one member and through a panel of
7 at least 3 members decide, the conditions of parole and the
8 time of discharge from parole, impose sanctions for
9 violations of parole, and revoke parole for those sentenced
10 under the law in effect prior to this amendatory Act of
11 1977; provided that the decision to parole and the
12 conditions of parole for all prisoners who were sentenced
13 for first degree murder or who received a minimum sentence
14 of 20 years or more under the law in effect prior to
15 February 1, 1978 shall be determined by a majority vote of
16 the Prisoner Review Board. One representative supporting
17 parole and one representative opposing parole will be
18 allowed to speak. Their comments shall be limited to making
19 corrections and filling in omissions to the Board's
20 presentation and discussion;

21 (3) hear by at least one member and through a panel of
22 at least 3 members decide, the conditions of mandatory
23 supervised release and the time of discharge from mandatory
24 supervised release, impose sanctions for violations of
25 mandatory supervised release, and revoke mandatory
26 supervised release for those sentenced under the law in

1 effect after the effective date of this amendatory Act of
2 1977;

3 (3.5) hear by at least one member and through a panel
4 of at least 3 members decide, the conditions of mandatory
5 supervised release and the time of discharge from mandatory
6 supervised release, to impose sanctions for violations of
7 mandatory supervised release and revoke mandatory
8 supervised release for those serving extended supervised
9 release terms pursuant to paragraph (4) of subsection (d)
10 of Section 5-8-1;

11 (3.6) hear by at least one member and through a panel
12 of at least 3 members decide, the time of aftercare
13 release, the conditions of aftercare release and the time
14 of discharge from aftercare release, impose sanctions for
15 violations of aftercare release, and revoke aftercare
16 release for those adjudicated delinquent under the
17 Juvenile Court Act of 1987;

18 (4) hear by at least one member and through a panel of
19 at least 3 members, decide cases brought by the Department
20 of Corrections against a prisoner in the custody of the
21 Department for alleged violation of Department rules with
22 respect to sentence credits under Section 3-6-3 of this
23 Code in which the Department seeks to revoke sentence
24 credits, if the amount of time at issue exceeds 30 days or
25 when, during any 12 month period, the cumulative amount of
26 credit revoked exceeds 30 days except where the infraction

1 is committed or discovered within 60 days of scheduled
2 release. In such cases, the Department of Corrections may
3 revoke up to 30 days of sentence credit. The Board may
4 subsequently approve the revocation of additional sentence
5 credit, if the Department seeks to revoke sentence credit
6 in excess of thirty days. However, the Board shall not be
7 empowered to review the Department's decision with respect
8 to the loss of 30 days of sentence credit for any prisoner
9 or to increase any penalty beyond the length requested by
10 the Department;

11 (5) hear by at least one member and through a panel of
12 at least 3 members decide, the release dates for certain
13 prisoners sentenced under the law in existence prior to the
14 effective date of this amendatory Act of 1977, in
15 accordance with Section 3-3-2.1 of this Code;

16 (6) hear by at least one member and through a panel of
17 at least 3 members decide, all requests for pardon,
18 reprieve or commutation, and make confidential
19 recommendations to the Governor;

20 (7) comply with the requirements of the Open Parole
21 Hearings Act;

22 (8) hear by at least one member and, through a panel of
23 at least 3 members, decide cases brought by the Department
24 of Corrections against a prisoner in the custody of the
25 Department for court dismissal of a frivolous lawsuit
26 pursuant to Section 3-6-3(d) of this Code in which the

1 Department seeks to revoke up to 180 days of sentence
2 credit, and if the prisoner has not accumulated 180 days of
3 sentence credit at the time of the dismissal, then all
4 sentence credit accumulated by the prisoner shall be
5 revoked;

6 (9) hear by at least 3 members, and, through a panel of
7 at least 3 members, decide whether to grant certificates of
8 relief from disabilities or certificates of good conduct as
9 provided in Article 5.5 of Chapter V;

10 (10) upon a petition by a person who has been convicted
11 of a Class 3 or Class 4 felony and who meets the
12 requirements of this paragraph, hear by at least 3 members
13 and, with the unanimous vote of a panel of 3 members, issue
14 a certificate of eligibility for sealing recommending that
15 the court order the sealing of all official records of the
16 arresting authority, the circuit court clerk, and the
17 Department of State Police concerning the arrest and
18 conviction for the Class 3 or 4 felony. A person may not
19 apply to the Board for a certificate of eligibility for
20 sealing:

21 (A) until 5 years have elapsed since the expiration
22 of his or her sentence;

23 (B) until 5 years have elapsed since any arrests or
24 detentions by a law enforcement officer for an alleged
25 violation of law, other than a petty offense, traffic
26 offense, conservation offense, or local ordinance

1 offense;

2 (C) if convicted of a violation of the Cannabis
3 Control Act, Illinois Controlled Substances Act, the
4 Methamphetamine Control and Community Protection Act,
5 the Methamphetamine Precursor Control Act, or the
6 Methamphetamine Precursor Tracking Act unless the
7 petitioner has completed a drug abuse program for the
8 offense on which sealing is sought and provides proof
9 that he or she has completed the program successfully;

10 (D) if convicted of:

11 (i) a sex offense described in Article 11 or
12 Sections 12-13, 12-14, 12-14.1, 12-15, or 12-16 of
13 the Criminal Code of 1961 or the Criminal Code of
14 2012;

15 (ii) aggravated assault;

16 (iii) aggravated battery;

17 (iv) domestic battery;

18 (v) aggravated domestic battery;

19 (vi) violation of an order of protection;

20 (vii) an offense under the Criminal Code of
21 1961 or the Criminal Code of 2012 involving a
22 firearm;

23 (viii) driving while under the influence of
24 alcohol, other drug or drugs, intoxicating
25 compound or compounds or any combination thereof;

26 (ix) aggravated driving while under the

1 influence of alcohol, other drug or drugs,
2 intoxicating compound or compounds or any
3 combination thereof; or

4 (x) any crime defined as a crime of violence
5 under Section 2 of the Crime Victims Compensation
6 Act.

7 If a person has applied to the Board for a certificate
8 of eligibility for sealing and the Board denies the
9 certificate, the person must wait at least 4 years before
10 filing again or filing for pardon from the Governor unless
11 the Chairman of the Prisoner Review Board grants a waiver.

12 The decision to issue or refrain from issuing a
13 certificate of eligibility for sealing shall be at the
14 Board's sole discretion, and shall not give rise to any
15 cause of action against either the Board or its members.

16 The Board may only authorize the sealing of Class 3 and
17 4 felony convictions of the petitioner from one information
18 or indictment under this paragraph (10). A petitioner may
19 only receive one certificate of eligibility for sealing
20 under this provision for life; ~~and~~

21 (11) upon a petition by a person who after having been
22 convicted of a Class 3 or Class 4 felony thereafter served
23 in the United States Armed Forces or National Guard of this
24 or any other state and had received an honorable discharge
25 from the United States Armed Forces or National Guard or
26 who at the time of filing the petition is enlisted in the

1 United States Armed Forces or National Guard of this or any
2 other state and served one tour of duty and who meets the
3 requirements of this paragraph, hear by at least 3 members
4 and, with the unanimous vote of a panel of 3 members, issue
5 a certificate of eligibility for expungement recommending
6 that the court order the expungement of all official
7 records of the arresting authority, the circuit court
8 clerk, and the Department of State Police concerning the
9 arrest and conviction for the Class 3 or 4 felony. A person
10 may not apply to the Board for a certificate of eligibility
11 for expungement:

12 (A) if convicted of:

13 (i) a sex offense described in Article 11 or
14 Sections 12-13, 12-14, 12-14.1, 12-15, or 12-16 of
15 the Criminal Code of 1961 or Criminal Code of 2012;

16 (ii) an offense under the Criminal Code of 1961
17 or Criminal Code of 2012 involving a firearm; or

18 (iii) a crime of violence as defined in Section
19 2 of the Crime Victims Compensation Act; or

20 (B) if the person has not served in the United
21 States Armed Forces or National Guard of this or any
22 other state or has not received an honorable discharge
23 from the United States Armed Forces or National Guard
24 of this or any other state or who at the time of the
25 filing of the petition is serving in the United States
26 Armed Forces or National Guard of this or any other

1 state and has not completed one tour of duty.

2 If a person has applied to the Board for a certificate
3 of eligibility for expungement and the Board denies the
4 certificate, the person must wait at least 4 years before
5 filing again or filing for a pardon with authorization for
6 expungement from the Governor unless the Governor or
7 Chairman of the Prisoner Review Board grants a waiver; and

8 ·

9 (12) if and only if the Illinois Supreme Court
10 determines the sentencing requirements set forth by the
11 United States Supreme Court in Miller v. Alabama, 132 S.
12 Ct. 2455 (2012), are to be applied retroactively, hear and
13 decide commutation, as provided in this paragraph, of a
14 prisoner serving a sentence of natural life imprisonment if
15 the prisoner was under 18 years of age at the time of the
16 commission of the offense, and make confidential
17 recommendations to the Governor. Notice of the hearing
18 shall be given to the committing court, the State's
19 Attorney of the county where the conviction was had, and
20 victim representative. At the hearing the prisoner may be
21 represented by counsel. If the Board, by a majority vote of
22 the full Board, determines that the sentencing
23 requirements of Miller v. Alabama apply to the prisoner,
24 the Board shall consider the following factors in
25 recommending to the Governor the time to be served by the
26 prisoner that the Board deems appropriate:

1 (A) the prisoner's chronological age and its
2 hallmark features, among them, immaturity,
3 impetuosity, and failure to appreciate risks and
4 consequences at the time of the commission of the
5 offense;

6 (B) the prisoner's family and home environment
7 that surrounds him or her;

8 (C) the circumstances of the homicide offense,
9 including the extent of the prisoner's participation
10 in the conduct and the way familial and peer pressures
11 may have affected the prisoner;

12 (D) whether the prisoner might have been charged
13 and convicted of a lesser offense if not for
14 incompetencies associated with youth, for example, his
15 or her inability to deal with police officers or
16 prosecutors (including on a plea agreement) or his or
17 her incapacity to assist his or her own attorneys; and

18 (E) whether natural life imprisonment disregards
19 the possibility of rehabilitation even when the
20 circumstances most suggest it.

21 After hearing and full consideration of the above factors
22 the Board may, by a majority vote of the full Board,
23 confidentially recommend to the Governor:

24 (i) the sentence of natural life imprisonment imposed
25 by the court to remain in effect;

26 (ii) commutation of sentence to a set term less than

1 natural life; or

2 (iii) commutation of sentence to time served; and

3 (iv) if commutation is recommended any condition,
4 including a term of mandatory supervised release upon
5 release, the Board thinks proper.

6 The Governor shall decide each Board submitted prisoner
7 commutation application and communicate his or her decision to
8 the Board which shall notify the prisoner.

9 In the event a prisoner is granted a release, after the
10 Governor has communicated this decision to the Board, the Board
11 shall give written notice to the sheriff of the county from
12 which the offender was sentenced if the sheriff has requested
13 that clemency notice be given on a continuing basis. In cases
14 where arrest of the offender or the commission of the offense
15 took place in any municipality with a population of more than
16 10,000 persons, the Board shall also give written notice to the
17 proper law enforcement agency for the municipality which has
18 requested clemency notice on a continuing basis.

19 This paragraph (12) only applies to prisoners to whom
20 Miller v. Alabama applies retroactively on the date of the
21 Illinois Supreme Court decision.

22 The Governor may delegate his or her authority to commute
23 the sentence of a prisoner described in this paragraph (12) to
24 the Board on any terms as he or she thinks proper.

25 (a-5) The Prisoner Review Board, with the cooperation of
26 and in coordination with the Department of Corrections and the

1 Department of Central Management Services, shall implement a
2 pilot project in 3 correctional institutions providing for the
3 conduct of hearings under paragraphs (1) and (4) of subsection
4 (a) of this Section through interactive video conferences. The
5 project shall be implemented within 6 months after the
6 effective date of this amendatory Act of 1996. Within 6 months
7 after the implementation of the pilot project, the Prisoner
8 Review Board, with the cooperation of and in coordination with
9 the Department of Corrections and the Department of Central
10 Management Services, shall report to the Governor and the
11 General Assembly regarding the use, costs, effectiveness, and
12 future viability of interactive video conferences for Prisoner
13 Review Board hearings.

14 (b) Upon recommendation of the Department the Board may
15 restore sentence credit previously revoked.

16 (c) The Board shall cooperate with the Department in
17 promoting an effective system of parole, aftercare release, and
18 mandatory supervised release.

19 (d) The Board shall promulgate rules for the conduct of its
20 work, and the Chairman shall file a copy of such rules and any
21 amendments thereto with the Director and with the Secretary of
22 State.

23 (e) The Board shall keep records of all of its official
24 actions and shall make them accessible in accordance with law
25 and the rules of the Board.

26 (f) The Board or one who has allegedly violated the

1 conditions of his or her parole, aftercare release, or
2 mandatory supervised release may require by subpoena the
3 attendance and testimony of witnesses and the production of
4 documentary evidence relating to any matter under
5 investigation or hearing. The Chairman of the Board may sign
6 subpoenas which shall be served by any agent or public official
7 authorized by the Chairman of the Board, or by any person
8 lawfully authorized to serve a subpoena under the laws of the
9 State of Illinois. The attendance of witnesses, and the
10 production of documentary evidence, may be required from any
11 place in the State to a hearing location in the State before
12 the Chairman of the Board or his or her designated agent or
13 agents or any duly constituted Committee or Subcommittee of the
14 Board. Witnesses so summoned shall be paid the same fees and
15 mileage that are paid witnesses in the circuit courts of the
16 State, and witnesses whose depositions are taken and the
17 persons taking those depositions are each entitled to the same
18 fees as are paid for like services in actions in the circuit
19 courts of the State. Fees and mileage shall be vouchered for
20 payment when the witness is discharged from further attendance.

21 In case of disobedience to a subpoena, the Board may
22 petition any circuit court of the State for an order requiring
23 the attendance and testimony of witnesses or the production of
24 documentary evidence or both. A copy of such petition shall be
25 served by personal service or by registered or certified mail
26 upon the person who has failed to obey the subpoena, and such

1 person shall be advised in writing that a hearing upon the
2 petition will be requested in a court room to be designated in
3 such notice before the judge hearing motions or extraordinary
4 remedies at a specified time, on a specified date, not less
5 than 10 nor more than 15 days after the deposit of the copy of
6 the written notice and petition in the U.S. mails addressed to
7 the person at his last known address or after the personal
8 service of the copy of the notice and petition upon such
9 person. The court upon the filing of such a petition, may order
10 the person refusing to obey the subpoena to appear at an
11 investigation or hearing, or to there produce documentary
12 evidence, if so ordered, or to give evidence relative to the
13 subject matter of that investigation or hearing. Any failure to
14 obey such order of the circuit court may be punished by that
15 court as a contempt of court.

16 Each member of the Board and any hearing officer designated
17 by the Board shall have the power to administer oaths and to
18 take the testimony of persons under oath.

19 (g) Except under subsection (a) of this Section, a majority
20 of the members then appointed to the Prisoner Review Board
21 shall constitute a quorum for the transaction of all business
22 of the Board.

23 (h) The Prisoner Review Board shall annually transmit to
24 the Director a detailed report of its work for the preceding
25 calendar year. The annual report shall also be transmitted to
26 the Governor for submission to the Legislature.

1 (Source: P.A. 97-697, eff. 6-22-12; 97-1120, eff. 1-1-13;
2 97-1150, eff. 1-25-13; 98-399, eff. 8-16-13; 98-558, eff.
3 1-1-14; revised 8-28-13.)

4 (730 ILCS 5/3-3-13) (from Ch. 38, par. 1003-3-13)
5 Sec. 3-3-13. Procedure for Executive Clemency.

6 (a) Petitions seeking pardon, commutation, or reprieve
7 shall be addressed to the Governor and filed with the Prisoner
8 Review Board. The petition shall be in writing and signed by
9 the person under conviction or by a person on his behalf. It
10 shall contain a brief history of the case, the reasons for
11 seeking executive clemency, and other relevant information the
12 Board may require.

13 (a-5) After a petition has been denied by the Governor, the
14 Board may not accept a repeat petition for executive clemency
15 for the same person until one full year has elapsed from the
16 date of the denial. The Chairman of the Board may waive the
17 one-year requirement if the petitioner offers in writing new
18 information that was unavailable to the petitioner at the time
19 of the filing of the prior petition and which the Chairman
20 determines to be significant. The Chairman also may waive the
21 one-year waiting period if the petitioner can show that a
22 change in circumstances of a compelling humanitarian nature has
23 arisen since the denial of the prior petition.

24 (b) Notice of the proposed application shall be given by
25 the Board to the committing court and the state's attorney of

1 the county where the conviction was had.

2 (c) The Board shall, if requested and upon due notice, give
3 a hearing to each application, allowing representation by
4 counsel, if desired, after which it shall confidentially advise
5 the Governor by a written report of its recommendations which
6 shall be determined by majority vote. The Board shall meet to
7 consider such petitions no less than 4 times each year.

8 Application for executive clemency under this Section may
9 not be commenced on behalf of a person who has been sentenced
10 to death without the written consent of the defendant, unless
11 the defendant, because of a mental or physical condition, is
12 incapable of asserting his or her own claim.

13 (d) The Governor shall decide each application and
14 communicate his decision to the Board which shall notify the
15 petitioner.

16 In the event a petitioner who has been convicted of a Class
17 X felony is granted a release, after the Governor has
18 communicated such decision to the Board, the Board shall give
19 written notice to the Sheriff of the county from which the
20 offender was sentenced if such sheriff has requested that such
21 notice be given on a continuing basis. In cases where arrest of
22 the offender or the commission of the offense took place in any
23 municipality with a population of more than 10,000 persons, the
24 Board shall also give written notice to the proper law
25 enforcement agency for said municipality which has requested
26 notice on a continuing basis.

1 (d-5) If and only if the Illinois Supreme Court determines
2 the sentencing requirements set forth by the United States
3 Supreme Court in Miller v. Alabama, 132 S. Ct. 2455 (2012), are
4 to be applied retroactively, then the Prisoner Review Board may
5 consider, without a petition, commutation of a prisoner serving
6 a sentence of natural life imprisonment if the prisoner was
7 under 18 years of age at the time of the commission of the
8 offense and the Board, by a majority vote of the full Board,
9 determines the sentencing requirements of Miller v. Alabama
10 applies to the prisoner. The Board shall conduct a hearing and
11 make recommendations to the Governor as provided in paragraph
12 (12) of subsection (g) of Section 3-3-2 of this Code.

13 (e) Nothing in this Section shall be construed to limit the
14 power of the Governor under the constitution to grant a
15 reprieve, commutation of sentence, or pardon.

16 (Source: P.A. 89-112, eff. 7-7-95; 89-684, eff. 6-1-97.)

17 (730 ILCS 5/5-4.5-20)

18 Sec. 5-4.5-20. FIRST DEGREE MURDER; SENTENCE. For first
19 degree murder:

20 (a) TERM. The defendant shall be sentenced to imprisonment
21 or, if appropriate, death under Section 9-1 of the Criminal
22 Code of 1961 or the Criminal Code of 2012 (720 ILCS 5/9-1).
23 Imprisonment shall be for a determinate term of (1) not less
24 than 20 years and not more than 60 years; (2) not less than 60
25 years and not more than 100 years as provided in subsection

1 (c-5) of Section 5-8-1 (730 ILCS 5/5-8-1) or when an extended
2 term is imposed under Section 5-8-2 (730 ILCS 5/5-8-2); or (3)
3 natural life as provided in Section 5-8-1 (730 ILCS 5/5-8-1).

4 (b) PERIODIC IMPRISONMENT. A term of periodic imprisonment
5 shall not be imposed.

6 (c) IMPACT INCARCERATION. The impact incarceration program
7 or the county impact incarceration program is not an authorized
8 disposition.

9 (d) PROBATION; CONDITIONAL DISCHARGE. A period of
10 probation or conditional discharge shall not be imposed.

11 (e) FINE. Fines may be imposed as provided in Section
12 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

13 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
14 concerning restitution.

15 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
16 be concurrent or consecutive as provided in Section 5-8-4 (730
17 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

18 (h) DRUG COURT. Drug court is not an authorized
19 disposition.

20 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
21 ILCS 5/5-4.5-100) concerning no credit for time spent in home
22 detention prior to judgment.

23 (j) SENTENCE CREDIT. See Section 3-6-3 (730 ILCS 5/3-6-3)
24 for rules and regulations for sentence credit.

25 (k) ELECTRONIC HOME DETENTION. Electronic home detention
26 is not an authorized disposition, except in limited

1 circumstances as provided in Section 5-8A-3 (730 ILCS
2 5/5-8A-3).

3 (1) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
4 provided in Section 3-3-8 (730 ILCS 5/3-3-8), the parole or
5 mandatory supervised release term shall be 3 years upon release
6 from imprisonment.

7 (Source: P.A. 97-697, eff. 6-22-12; 97-1150, eff. 1-25-13.)

8 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

9 Sec. 5-8-1. Natural life imprisonment; enhancements for
10 use of a firearm; mandatory supervised release terms.

11 (a) Except as otherwise provided in the statute defining
12 the offense or in Article 4.5 of Chapter V, a sentence of
13 imprisonment for a felony shall be a determinate sentence set
14 by the court under this Section, according to the following
15 limitations:

16 (1) for first degree murder,

17 (a) (blank),

18 (b) if a trier of fact finds beyond a reasonable
19 doubt that the murder was accompanied by exceptionally
20 brutal or heinous behavior indicative of wanton
21 cruelty or, except as set forth in subsection (a) (1) (c)
22 of this Section, that any of the aggravating factors
23 listed in subsection (b) or (b-5) of Section 9-1 of the
24 Criminal Code of 1961 or the Criminal Code of 2012 are
25 present, the court may sentence the defendant to a term

1 of natural life imprisonment, or

2 (c) the court shall sentence the defendant to a
3 term of natural life imprisonment when the death
4 penalty is not imposed if the defendant,

5 (i) has previously been convicted of first
6 degree murder under any state or federal law, or

7 ~~(ii) is a person who, at the time of the~~
8 ~~commission of the murder, had attained the age of~~
9 ~~17 or more and is found guilty of murdering an~~
10 ~~individual under 12 years of age; or, irrespective~~
11 ~~of the defendant's age at the time of the~~
12 ~~commission of the offense,~~ is found guilty of
13 murdering more than one victim, or

14 (iii) is found guilty of murdering a peace
15 officer, fireman, or emergency management worker
16 when the peace officer, fireman, or emergency
17 management worker was killed in the course of
18 performing his official duties, or to prevent the
19 peace officer or fireman from performing his
20 official duties, or in retaliation for the peace
21 officer, fireman, or emergency management worker
22 from performing his official duties, and the
23 defendant knew or should have known that the
24 murdered individual was a peace officer, fireman,
25 or emergency management worker, or

26 (iv) is found guilty of murdering an employee

1 of an institution or facility of the Department of
2 Corrections, or any similar local correctional
3 agency, when the employee was killed in the course
4 of performing his official duties, or to prevent
5 the employee from performing his official duties,
6 or in retaliation for the employee performing his
7 official duties, or

8 (v) is found guilty of murdering an emergency
9 medical technician - ambulance, emergency medical
10 technician - intermediate, emergency medical
11 technician - paramedic, ambulance driver or other
12 medical assistance or first aid person while
13 employed by a municipality or other governmental
14 unit when the person was killed in the course of
15 performing official duties or to prevent the
16 person from performing official duties or in
17 retaliation for performing official duties and the
18 defendant knew or should have known that the
19 murdered individual was an emergency medical
20 technician - ambulance, emergency medical
21 technician - intermediate, emergency medical
22 technician - paramedic, ambulance driver, or other
23 medical assistant or first aid personnel, or

24 (vi) (blank), or ~~is a person who, at the time~~
25 ~~of the commission of the murder, had not attained~~
26 ~~the age of 17, and is found guilty of murdering a~~

1 ~~person under 12 years of age and the murder is~~
2 ~~committed during the course of aggravated criminal~~
3 ~~sexual assault, criminal sexual assault, or~~
4 ~~aggravated kidnaping, or~~

5 (vii) is found guilty of first degree murder
6 and the murder was committed by reason of any
7 person's activity as a community policing
8 volunteer or to prevent any person from engaging in
9 activity as a community policing volunteer. For
10 the purpose of this Section, "community policing
11 volunteer" has the meaning ascribed to it in
12 Section 2-3.5 of the Criminal Code of 2012.

13 For purposes of clause (v), "emergency medical
14 technician - ambulance", "emergency medical technician
15 - intermediate", "emergency medical technician -
16 paramedic", have the meanings ascribed to them in the
17 Emergency Medical Services (EMS) Systems Act.

18 (c-5) if the defendant had not attained the age of
19 18 at the time of the commission of the murder, but is
20 found guilty of first degree murder and any of the
21 factors listed in subsection (c) of this Section are
22 present, the court shall sentence the defendant to a
23 term of imprisonment of not less than 60 years and not
24 more than 100 years, or to a term of natural life
25 imprisonment.

26 (d) (i) if the person committed the offense while

1 armed with a firearm, 15 years shall be added to
2 the term of imprisonment imposed by the court;

3 (ii) if, during the commission of the offense,
4 the person personally discharged a firearm, 20
5 years shall be added to the term of imprisonment
6 imposed by the court;

7 (iii) if, during the commission of the
8 offense, the person personally discharged a
9 firearm that proximately caused great bodily harm,
10 permanent disability, permanent disfigurement, or
11 death to another person, 25 years or up to a term
12 of natural life shall be added to the term of
13 imprisonment imposed by the court.

14 (2) (blank);

15 (2.5) for a person convicted under the circumstances
16 described in subdivision (b)(1)(B) of Section 11-1.20 or
17 paragraph (3) of subsection (b) of Section 12-13,
18 subdivision (d)(2) of Section 11-1.30 or paragraph (2) of
19 subsection (d) of Section 12-14, subdivision (b)(1.2) of
20 Section 11-1.40 or paragraph (1.2) of subsection (b) of
21 Section 12-14.1, subdivision (b)(2) of Section 11-1.40 or
22 paragraph (2) of subsection (b) of Section 12-14.1 of the
23 Criminal Code of 1961 or the Criminal Code of 2012, the
24 sentence shall be a term of natural life imprisonment.

25 (b) (Blank).

26 (c) (Blank).

1 (d) Subject to earlier termination under Section 3-3-8, the
2 parole or mandatory supervised release term shall be written as
3 part of the sentencing order and shall be as follows:

4 (1) for first degree murder or a Class X felony except
5 for the offenses of predatory criminal sexual assault of a
6 child, aggravated criminal sexual assault, and criminal
7 sexual assault if committed on or after the effective date
8 of this amendatory Act of the 94th General Assembly and
9 except for the offense of aggravated child pornography
10 under Section 11-20.1B, 11-20.3, or 11-20.1 with
11 sentencing under subsection (c-5) of Section 11-20.1 of the
12 Criminal Code of 1961 or the Criminal Code of 2012, if
13 committed on or after January 1, 2009, 3 years;

14 (2) for a Class 1 felony or a Class 2 felony except for
15 the offense of criminal sexual assault if committed on or
16 after the effective date of this amendatory Act of the 94th
17 General Assembly and except for the offenses of manufacture
18 and dissemination of child pornography under clauses
19 (a)(1) and (a)(2) of Section 11-20.1 of the Criminal Code
20 of 1961 or the Criminal Code of 2012, if committed on or
21 after January 1, 2009, 2 years;

22 (3) for a Class 3 felony or a Class 4 felony, 1 year;

23 (4) for defendants who commit the offense of predatory
24 criminal sexual assault of a child, aggravated criminal
25 sexual assault, or criminal sexual assault, on or after the
26 effective date of this amendatory Act of the 94th General

1 Assembly, or who commit the offense of aggravated child
2 pornography under Section 11-20.1B, 11-20.3, or 11-20.1
3 with sentencing under subsection (c-5) of Section 11-20.1
4 of the Criminal Code of 1961 or the Criminal Code of 2012,
5 manufacture of child pornography, or dissemination of
6 child pornography after January 1, 2009, the term of
7 mandatory supervised release shall range from a minimum of
8 3 years to a maximum of the natural life of the defendant;

9 (5) if the victim is under 18 years of age, for a
10 second or subsequent offense of aggravated criminal sexual
11 abuse or felony criminal sexual abuse, 4 years, at least
12 the first 2 years of which the defendant shall serve in an
13 electronic home detention program under Article 8A of
14 Chapter V of this Code;

15 (6) for a felony domestic battery, aggravated domestic
16 battery, stalking, aggravated stalking, and a felony
17 violation of an order of protection, 4 years.

18 (e) (Blank).

19 (f) (Blank).

20 (Source: P.A. 96-282, eff. 1-1-10; 96-1000, eff. 7-2-10;
21 96-1200, eff. 7-22-10; 96-1475, eff. 1-1-11; 96-1551, eff.
22 7-1-11; 97-333, eff. 8-12-11; 97-531, eff. 1-1-12; 97-1109,
23 eff. 1-1-13; 97-1150, eff. 1-25-13.)

24 Section 99. Effective date. This Act takes effect upon
25 becoming law."