



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

SB0277

Introduced 1/24/2025, by Sen. Jil Tracy

#### SYNOPSIS AS INTRODUCED:

730 ILCS 5/5-8-1

from Ch. 38, par. 1005-8-1

Amends the Unified Code of Corrections. Provides that the court shall sentence the defendant to a term of natural life imprisonment for first degree murder if the defendant, at the time of the commission of the murder, had attained the age of 18, and is found guilty of the first degree murder of a child under the age of 5 who is determined by the court, upon testimony of a physician, to have died from abusive head trauma caused by the defendant. Provides that "abusive head trauma" includes shaken baby syndrome. Defines "abusive head trauma" and shaken baby syndrome".

LRB104 03917 RLC 13941 b

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 5-8-1 as follows:

6 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

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

9 (a) Except as otherwise provided in the statute defining  
10 the offense or in Article 4.5 of Chapter V, a sentence of  
11 imprisonment for a felony shall be a determinate sentence set  
12 by the court under this Section, subject to Section 5-4.5-115  
13 of this Code, according to the following limitations:

14 (1) for first degree murder,

15 (a) (blank),

16 (b) if a trier of fact finds beyond a reasonable  
17 doubt that the murder was accompanied by exceptionally  
18 brutal or heinous behavior indicative of wanton  
19 cruelty or, except as set forth in subsection  
20 (a) (1) (c) of this Section, that any of the aggravating  
21 factors listed in subparagraph (b-5) are present, the  
22 court may sentence the defendant, subject to Section  
23 5-4.5-105, to a term of natural life imprisonment, or

1           (b-5) a ~~A~~ defendant who at the time of the  
2           commission of the offense has attained the age of 18 or  
3           more and who has been found guilty of first degree  
4           murder may be sentenced to a term of natural life  
5           imprisonment if:

6                   (1) the murdered individual was an inmate at  
7                   an institution or facility of the Department of  
8                   Corrections, or any similar local correctional  
9                   agency and was killed on the grounds thereof, or  
10                  the murdered individual was otherwise present in  
11                  such institution or facility with the knowledge  
12                  and approval of the chief administrative officer  
13                  thereof;

14                  (2) the murdered individual was killed as a  
15                  result of the hijacking of an airplane, train,  
16                  ship, bus, or other public conveyance;

17                  (3) the defendant committed the murder  
18                  pursuant to a contract, agreement, or  
19                  understanding by which he or she was to receive  
20                  money or anything of value in return for  
21                  committing the murder or procured another to  
22                  commit the murder for money or anything of value;

23                  (4) the murdered individual was killed in the  
24                  course of another felony if:

25                   (A) the murdered individual:

26                           (i) was actually killed by the

1 defendant, or

2 (ii) received physical injuries  
3 personally inflicted by the defendant  
4 substantially contemporaneously with  
5 physical injuries caused by one or more  
6 persons for whose conduct the defendant is  
7 legally accountable under Section 5-2 of  
8 this Code, and the physical injuries  
9 inflicted by either the defendant or the  
10 other person or persons for whose conduct  
11 he is legally accountable caused the death  
12 of the murdered individual; and (B) in  
13 performing the acts which caused the death  
14 of the murdered individual or which  
15 resulted in physical injuries personally  
16 inflicted by the defendant on the murdered  
17 individual under the circumstances of  
18 subdivision (ii) of clause (A) of this  
19 clause (4), the defendant acted with the  
20 intent to kill the murdered individual or  
21 with the knowledge that his or her acts  
22 created a strong probability of death or  
23 great bodily harm to the murdered  
24 individual or another; and

25 (B) in performing the acts which caused  
26 the death of the murdered individual or which

1           resulted in physical injuries personally  
2           inflicted by the defendant on the murdered  
3           individual under the circumstances of  
4           subdivision (ii) of clause (A) of this clause  
5           (4), the defendant acted with the intent to  
6           kill the murdered individual or with the  
7           knowledge that his or her acts created a  
8           strong probability of death or great bodily  
9           harm to the murdered individual or another;  
10          and

11                 (C) the other felony was an inherently  
12           violent crime or the attempt to commit an  
13           inherently violent crime. In this clause (C),  
14           "inherently violent crime" includes, but is  
15           not limited to, armed robbery, robbery,  
16           predatory criminal sexual assault of a child,  
17           aggravated criminal sexual assault, aggravated  
18           kidnapping, aggravated vehicular hijacking,  
19           aggravated arson, aggravated stalking,  
20           residential burglary, and home invasion;

21                 (5) the defendant committed the murder with  
22           intent to prevent the murdered individual from  
23           testifying or participating in any criminal  
24           investigation or prosecution or giving material  
25           assistance to the State in any investigation or  
26           prosecution, either against the defendant or

1 another; or the defendant committed the murder  
2 because the murdered individual was a witness in  
3 any prosecution or gave material assistance to the  
4 State in any investigation or prosecution, either  
5 against the defendant or another; for purposes of  
6 this clause (5), "participating in any criminal  
7 investigation or prosecution" is intended to  
8 include those appearing in the proceedings in any  
9 capacity such as trial judges, prosecutors,  
10 defense attorneys, investigators, witnesses, or  
11 jurors;

12 (6) the defendant, while committing an offense  
13 punishable under Section 401, 401.1, 401.2, 405,  
14 405.2, 407, or 407.1 or subsection (b) of Section  
15 404 of the Illinois Controlled Substances Act, or  
16 while engaged in a conspiracy or solicitation to  
17 commit such offense, intentionally killed an  
18 individual or counseled, commanded, induced,  
19 procured, or caused the intentional killing of the  
20 murdered individual;

21 (7) the defendant was incarcerated in an  
22 institution or facility of the Department of  
23 Corrections at the time of the murder, and while  
24 committing an offense punishable as a felony under  
25 Illinois law, or while engaged in a conspiracy or  
26 solicitation to commit such offense, intentionally

1 killed an individual or counseled, commanded,  
2 induced, procured, or caused the intentional  
3 killing of the murdered individual;

4 (8) the murder was committed in a cold,  
5 calculated and premeditated manner pursuant to a  
6 preconceived plan, scheme, or design to take a  
7 human life by unlawful means, and the conduct of  
8 the defendant created a reasonable expectation  
9 that the death of a human being would result  
10 therefrom;

11 (9) the defendant was a principal  
12 administrator, organizer, or leader of a  
13 calculated criminal drug conspiracy consisting of  
14 a hierarchical position of authority superior to  
15 that of all other members of the conspiracy, and  
16 the defendant counseled, commanded, induced,  
17 procured, or caused the intentional killing of the  
18 murdered person;

19 (10) the murder was intentional and involved  
20 the infliction of torture. For the purpose of this  
21 clause (10), torture means the infliction of or  
22 subjection to extreme physical pain, motivated by  
23 an intent to increase or prolong the pain,  
24 suffering, or agony of the victim;

25 (11) the murder was committed as a result of  
26 the intentional discharge of a firearm by the

1 defendant from a motor vehicle and the victim was  
2 not present within the motor vehicle;

3 (12) the murdered individual was a person with  
4 a disability and the defendant knew or should have  
5 known that the murdered individual was a person  
6 with a disability. For purposes of this clause  
7 (12), "person with a disability" means a person  
8 who suffers from a permanent physical or mental  
9 impairment resulting from disease, an injury, a  
10 functional disorder, or a congenital condition  
11 that renders the person incapable of adequately  
12 providing for his or her own health or personal  
13 care;

14 (13) the murdered individual was subject to an  
15 order of protection and the murder was committed  
16 by a person against whom the same order of  
17 protection was issued under the Illinois Domestic  
18 Violence Act of 1986;

19 (14) the murdered individual was known by the  
20 defendant to be a teacher or other person employed  
21 in any school and the teacher or other employee is  
22 upon the grounds of a school or grounds adjacent  
23 to a school, or is in any part of a building used  
24 for school purposes;

25 (15) the murder was committed by the defendant  
26 in connection with or as a result of the offense of



1 terrorism as defined in Section 29D-14.9 of this  
2 Code;

3 (16) the murdered individual was a member of a  
4 congregation engaged in prayer or other religious  
5 activities at a church, synagogue, mosque, or  
6 other building, structure, or place used for  
7 religious worship; or

8 (17)(i) the murdered individual was a  
9 physician, physician assistant, psychologist,  
10 nurse, or advanced practice registered nurse;

11 (ii) the defendant knew or should have known  
12 that the murdered individual was a physician,  
13 physician assistant, psychologist, nurse, or  
14 advanced practice registered nurse; and

15 (iii) the murdered individual was killed in  
16 the course of acting in his or her capacity as a  
17 physician, physician assistant, psychologist,  
18 nurse, or advanced practice registered nurse, or  
19 to prevent him or her from acting in that  
20 capacity, or in retaliation for his or her acting  
21 in that capacity.

22 (c) the court shall sentence the defendant to a  
23 term of natural life imprisonment if the defendant, at  
24 the time of the commission of the murder, had attained  
25 the age of 18, and:

26 (i) has previously been convicted of first

1 degree murder under any state or federal law, or

2 (ii) is found guilty of murdering more than  
3 one victim, or

4 (iii) is found guilty of murdering a peace  
5 officer, fireman, or emergency management worker  
6 when the peace officer, fireman, or emergency  
7 management worker was killed in the course of  
8 performing his official duties, or to prevent the  
9 peace officer or fireman from performing his  
10 official duties, or in retaliation for the peace  
11 officer, fireman, or emergency management worker  
12 from performing his official duties, and the  
13 defendant knew or should have known that the  
14 murdered individual was a peace officer, fireman,  
15 or emergency management worker, or

16 (iv) is found guilty of murdering an employee  
17 of an institution or facility of the Department of  
18 Corrections, or any similar local correctional  
19 agency, when the employee was killed in the course  
20 of performing his official duties, or to prevent  
21 the employee from performing his official duties,  
22 or in retaliation for the employee performing his  
23 official duties, or

24 (v) is found guilty of murdering an emergency  
25 medical technician - ambulance, emergency medical  
26 technician - intermediate, emergency medical

1 technician - paramedic, ambulance driver, or other  
2 medical assistance or first aid person while  
3 employed by a municipality or other governmental  
4 unit when the person was killed in the course of  
5 performing official duties or to prevent the  
6 person from performing official duties or in  
7 retaliation for performing official duties and the  
8 defendant knew or should have known that the  
9 murdered individual was an emergency medical  
10 technician - ambulance, emergency medical  
11 technician - intermediate, emergency medical  
12 technician - paramedic, ambulance driver, or other  
13 medical assistant or first aid personnel, or

14 (vi) (blank), or

15 (vii) is found guilty of first degree murder  
16 and the murder was committed by reason of any  
17 person's activity as a community policing  
18 volunteer or to prevent any person from engaging  
19 in activity as a community policing volunteer. For  
20 the purpose of this Section, "community policing  
21 volunteer" has the meaning ascribed to it in  
22 Section 2-3.5 of the Criminal Code of 2012, or

23 (viii) is found guilty of the first degree  
24 murder of a child under the age of 5 who is  
25 determined by the court, upon testimony of a  
26 physician, to have died from abusive head trauma

1           caused by the defendant.

2           As used in clause (viii):

3           "Abusive head trauma" means a head injury that is  
4           caused by shaking, throwing, hitting, slamming, or  
5           jerking. "Abusive head trauma" includes shaken baby  
6           syndrome.

7           "Shaken baby syndrome" means a severe form of head  
8           injury that occurs when an infant or young child is  
9           shaken or thrown forcibly enough to cause the brain to  
10          rebound against the skull.

11          For purposes of clause (v), "emergency medical  
12          technician - ambulance", "emergency medical technician  
13          - intermediate", and "emergency medical technician -  
14          paramedic"~~7~~ have the meanings ascribed to them in the  
15          Emergency Medical Services (EMS) Systems Act.

16          (d) (i) if the person committed the offense while  
17          armed with a firearm, 15 years shall be added to  
18          the term of imprisonment imposed by the court;

19          (ii) if, during the commission of the offense, the  
20          person personally discharged a firearm, 20 years shall  
21          be added to the term of imprisonment imposed by the  
22          court;

23          (iii) if, during the commission of the offense,  
24          the person personally discharged a firearm that  
25          proximately caused great bodily harm, permanent  
26          disability, permanent disfigurement, or death to

1 another person, 25 years or up to a term of natural  
2 life shall be added to the term of imprisonment  
3 imposed by the court.

4 (2) (blank);

5 (2.5) for a person who has attained the age of 18 years  
6 at the time of the commission of the offense and who is  
7 convicted under the circumstances described in subdivision  
8 (b)(1)(B) of Section 11-1.20 or paragraph (3) of  
9 subsection (b) of Section 12-13, subdivision (d)(2) of  
10 Section 11-1.30 or paragraph (2) of subsection (d) of  
11 Section 12-14, subdivision (b)(1.2) of Section 11-1.40 or  
12 paragraph (1.2) of subsection (b) of Section 12-14.1,  
13 subdivision (b)(2) of Section 11-1.40 or paragraph (2) of  
14 subsection (b) of Section 12-14.1 of the Criminal Code of  
15 1961 or the Criminal Code of 2012, the sentence shall be a  
16 term of natural life imprisonment.

17 (b) (Blank).

18 (c) (Blank).

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

23 (1) for first degree murder or for the offenses of  
24 predatory criminal sexual assault of a child, aggravated  
25 criminal sexual assault, and criminal sexual assault if  
26 committed on or before December 12, 2005, 3 years;

1           (1.5) except as provided in paragraph (7) of this  
2           subsection (d), for a Class X felony except for the  
3           offenses of predatory criminal sexual assault of a child,  
4           aggravated criminal sexual assault, and criminal sexual  
5           assault if committed on or after December 13, 2005 (the  
6           effective date of Public Act 94-715) and except for the  
7           offense of aggravated child pornography under Section  
8           11-20.1B, 11-20.3, or 11-20.1 with sentencing under  
9           subsection (c-5) of Section 11-20.1 of the Criminal Code  
10          of 1961 or the Criminal Code of 2012, if committed on or  
11          after January 1, 2009, and except for the offense of  
12          obscene depiction of a purported child with sentencing  
13          under subsection (d) of Section 11-20.4 of the Criminal  
14          Code of 2012, 18 months;

15          (2) except as provided in paragraph (7) of this  
16          subsection (d), for a Class 1 felony or a Class 2 felony  
17          except for the offense of criminal sexual assault if  
18          committed on or after December 13, 2005 (the effective  
19          date of Public Act 94-715) and except for the offenses of  
20          manufacture and dissemination of child pornography under  
21          clauses (a)(1) and (a)(2) of Section 11-20.1 of the  
22          Criminal Code of 1961 or the Criminal Code of 2012, if  
23          committed on or after January 1, 2009, and except for the  
24          offense of obscene depiction of a purported child under  
25          paragraph (2) of subsection (b) of Section 11-20.4 of the  
26          Criminal Code of 2012, 12 months;

1           (3) except as provided in paragraph (4), (6), or (7)  
2           of this subsection (d), for a Class 3 felony or a Class 4  
3           felony, 6 months; no later than 45 days after the onset of  
4           the term of mandatory supervised release, the Prisoner  
5           Review Board shall conduct a discretionary discharge  
6           review pursuant to the provisions of Section 3-3-8, which  
7           shall include the results of a standardized risk and needs  
8           assessment tool administered by the Department of  
9           Corrections; the changes to this paragraph (3) made by  
10          Public Act 102-1104 ~~this amendatory Act of the 102nd~~  
11          ~~General Assembly~~ apply to all individuals released on  
12          mandatory supervised release on or after December 6, 2022  
13          (the effective date of Public Act 102-1104) ~~this~~  
14          ~~amendatory Act of the 102nd General Assembly~~, including  
15          those individuals whose sentences were imposed prior to  
16          December 6, 2022 (the effective date of Public Act  
17          102-1104) ~~this amendatory Act of the 102nd General~~  
18          ~~Assembly~~;

19          (4) for defendants who commit the offense of predatory  
20          criminal sexual assault of a child, aggravated criminal  
21          sexual assault, or criminal sexual assault, on or after  
22          December 13, 2005 (the effective date of Public Act  
23          94-715), or who commit the offense of aggravated child  
24          pornography under Section 11-20.1B, 11-20.3, or 11-20.1  
25          with sentencing under subsection (c-5) of Section 11-20.1  
26          of the Criminal Code of 1961 or the Criminal Code of 2012,

1 manufacture of child pornography, or dissemination of  
2 child pornography after January 1, 2009, or who commit the  
3 offense of obscene depiction of a purported child under  
4 paragraph (2) of subsection (b) of Section 11-20.4 of the  
5 Criminal Code of 2012 or who commit the offense of obscene  
6 depiction of a purported child with sentencing under  
7 subsection (d) of Section 11-20.4 of the Criminal Code of  
8 2012, the term of mandatory supervised release shall range  
9 from a minimum of 3 years to a maximum of the natural life  
10 of the defendant;

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

17 (6) for a felony domestic battery, aggravated domestic  
18 battery, stalking, aggravated stalking, and a felony  
19 violation of an order of protection, 4 years;

20 (7) for any felony described in paragraph (a)(2)(ii),  
21 (a)(2)(iii), (a)(2)(iv), (a)(2)(vi), (a)(2.1), (a)(2.3),  
22 (a)(2.4), (a)(2.5), or (a)(2.6) of Article 5, Section  
23 3-6-3 of the Unified Code of Corrections requiring an  
24 inmate to serve a minimum of 85% of their court-imposed  
25 sentence, except for the offenses of predatory criminal  
26 sexual assault of a child, aggravated criminal sexual



1 assault, and criminal sexual assault if committed on or  
2 after December 13, 2005 (the effective date of Public Act  
3 94-715) and except for the offense of aggravated child  
4 pornography under Section 11-20.1B, 11-20.3, or 11-20.1  
5 with sentencing under subsection (c-5) of Section 11-20.1  
6 of the Criminal Code of 1961 or the Criminal Code of 2012,  
7 if committed on or after January 1, 2009, and except for  
8 the offense of obscene depiction of a purported child with  
9 sentencing under subsection (d) of Section 11-20.4 of the  
10 Criminal Code of 2012, and except as provided in paragraph  
11 (4) or paragraph (6) of this subsection (d), the term of  
12 mandatory supervised release shall be as follows:

13 (A) Class X felony, 3 years;

14 (B) Class 1 or Class 2 felonies, 2 years;

15 (C) Class 3 or Class 4 felonies, 1 year.

16 (e) (Blank).

17 (f) (Blank).

18 (g) Notwithstanding any other provisions of this Act and  
19 of Public Act 101-652: (i) the provisions of paragraph (3) of  
20 subsection (d) are effective on July 1, 2022 and shall apply to  
21 all individuals convicted on or after the effective date of  
22 paragraph (3) of subsection (d); and (ii) the provisions of  
23 paragraphs (1.5) and (2) of subsection (d) are effective on  
24 July 1, 2021 and shall apply to all individuals convicted on or  
25 after the effective date of paragraphs (1.5) and (2) of  
26 subsection (d).

1 (Source: P.A. 102-28, eff. 6-25-21; 102-687, eff. 12-17-21;  
2 102-694, eff. 1-7-22; 102-1104, eff. 12-6-22; 103-51, eff.  
3 1-1-24; 103-825, eff. 1-1-25; revised 10-24-24.)