



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB1849

Introduced 2/5/2025, by Sen. Mary Edly-Allen

SYNOPSIS AS INTRODUCED:

720 ILCS 5/8-4	from Ch. 38, par. 8-4
720 ILCS 5/9-1.2	from Ch. 38, par. 9-1.2
720 ILCS 5/10-2	from Ch. 38, par. 10-2
720 ILCS 5/11-1.30	was 720 ILCS 5/12-14
720 ILCS 5/11-1.40	was 720 ILCS 5/12-14.1
720 ILCS 5/12-3.05	was 720 ILCS 5/12-4
720 ILCS 5/18-2	from Ch. 38, par. 18-2
720 ILCS 5/18-4	
720 ILCS 5/19-6	was 720 ILCS 5/12-11
730 ILCS 5/5-8-1	from Ch. 38, par. 1005-8-1

Amends the Criminal Code of 2012 and the Unified Code of Corrections. Provides that certain offenses for which the use of a firearm requires the court to add 15 years, 20 years, or 25 years or up to a term of natural life to the sentence, makes the additional sentences discretionary with the court. Deletes provisions that permit the court in those cases to impose a term of natural life imprisonment upon the defendant. Provides that the court may impose the additional sentences only if the defendant was personally armed with the firearm and was personally displaying the firearm. Provides that the penalty for aggravated criminal sexual assault in which the defendant personally discharged the firearm in the commission of the offense is a Class X felony for which up to 20 years may (rather than 20 years shall) be added to the term of imprisonment imposed by the court and up to 25 years may be added (rather than 25 years or up to a term of natural life imprisonment shall be added) to the term of imprisonment imposed by the court if the discharge proximately caused great bodily harm, permanent disability, permanent disfigurement, or death to another person; Provides that the penalty for home invasion is a Class X felony for which up to 20 years may (rather than 20 years shall) be added to the term of imprisonment imposed by the court if the defendant personally discharged a firearm during the commission of the offense.

LRB104 10141 RLC 20213 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 Criminal Code of 2012 is amended by
5 changing Sections 8-4, 9-1.2, 10-2, 11-1.30, 11-1.40, 12-3.05,
6 18-2, 18-4, and 19-6 as follows:

7 (720 ILCS 5/8-4) (from Ch. 38, par. 8-4)

8 Sec. 8-4. Attempt.

9 (a) Elements of the offense.

10 A person commits the offense of attempt when, with intent
11 to commit a specific offense, he or she does any act that
12 constitutes a substantial step toward the commission of that
13 offense.

14 (b) Impossibility.

15 It is not a defense to a charge of attempt that because of
16 a misapprehension of the circumstances it would have been
17 impossible for the accused to commit the offense attempted.

18 (c) Sentence.

19 A person convicted of attempt may be fined or imprisoned
20 or both not to exceed the maximum provided for the offense
21 attempted but, except for an attempt to commit the offense
22 defined in Section 33A-2 of this Code:

23 (1) the sentence for attempt to commit first degree

1 murder is the sentence for a Class X felony, except that

2 (A) an attempt to commit first degree murder when
3 at least one of the aggravating factors specified in
4 clauses (iii), (iv), and (v) of subsection (a)(1)(c)
5 of Section 5-8-1 of the Unified Code of Corrections is
6 present is a Class X felony for which the sentence
7 shall be a term of imprisonment of not less than 20
8 years and not more than 80 years;

9 (B) an attempt to commit first degree murder while
10 armed with a firearm is a Class X felony for which up
11 to 15 years may ~~shall~~ be added to the term of
12 imprisonment imposed by the court if the person
13 committed the offense while personally armed with the
14 firearm and while personally displaying the firearm;

15 (C) an attempt to commit first degree murder
16 during which the person personally discharged a
17 firearm is a Class X felony for which up to 20 years
18 may ~~shall~~ be added to the term of imprisonment imposed
19 by the court;

20 (D) an attempt to commit first degree murder
21 during which the person personally discharged a
22 firearm that proximately caused great bodily harm,
23 permanent disability, permanent disfigurement, or
24 death to another person is a Class X felony for which
25 up to 25 years may ~~or up to a term of natural life~~
26 ~~shall~~ be added to the term of imprisonment imposed by

1 the court; and

2 (E) if the defendant proves by a preponderance of
3 the evidence at sentencing that, at the time of the
4 attempted murder, he or she was acting under a sudden
5 and intense passion resulting from serious provocation
6 by the individual whom the defendant endeavored to
7 kill, or another, and, had the individual the
8 defendant endeavored to kill died, the defendant would
9 have negligently or accidentally caused that death,
10 then the sentence for the attempted murder is the
11 sentence for a Class 1 felony;

12 (2) the sentence for attempt to commit a Class X
13 felony is the sentence for a Class 1 felony;

14 (3) the sentence for attempt to commit a Class 1
15 felony is the sentence for a Class 2 felony;

16 (4) the sentence for attempt to commit a Class 2
17 felony is the sentence for a Class 3 felony; and

18 (5) the sentence for attempt to commit any felony
19 other than those specified in items (1), (2), (3), and (4)
20 of this subsection (c) is the sentence for a Class A
21 misdemeanor.

22 (Source: P.A. 103-51, eff. 1-1-24.)

23 (720 ILCS 5/9-1.2) (from Ch. 38, par. 9-1.2)

24 Sec. 9-1.2. Intentional homicide of an unborn child.

25 (a) A person commits the offense of intentional homicide

1 of an unborn child if, in performing acts which cause the death
2 of an unborn child, he without lawful justification:

3 (1) either intended to cause the death of or do great
4 bodily harm to the pregnant individual or unborn child or
5 knew that such acts would cause death or great bodily harm
6 to the pregnant individual or unborn child; or

7 (2) knew that his acts created a strong probability of
8 death or great bodily harm to the pregnant individual or
9 unborn child; and

10 (3) knew that the individual was pregnant.

11 (b) For purposes of this Section, (1) "unborn child" shall
12 mean any individual of the human species from the implantation
13 of an embryo until birth, and (2) "person" shall not include
14 the pregnant woman whose unborn child is killed.

15 (c) This Section shall not apply to acts which cause the
16 death of an unborn child if those acts were committed during
17 any abortion, as defined in Section 1-10 of the Reproductive
18 Health Act, to which the pregnant individual has consented.
19 This Section shall not apply to acts which were committed
20 pursuant to usual and customary standards of medical practice
21 during diagnostic testing or therapeutic treatment.

22 (d) Penalty. The sentence for intentional homicide of an
23 unborn child shall be the same as for first degree murder,
24 except that:

25 (1) (blank);

26 (2) if the person committed the offense while

1 personally armed with a firearm, and while personally
2 displaying the firearm, up to 15 years may ~~shall~~ be added
3 to the term of imprisonment imposed by the court;

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

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

14 (e) The provisions of this Act shall not be construed to
15 prohibit the prosecution of any person under any other
16 provision of law.

17 (Source: P.A. 103-51, eff. 1-1-24.)

18 (720 ILCS 5/10-2) (from Ch. 38, par. 10-2)

19 Sec. 10-2. Aggravated kidnaping.

20 (a) A person commits the offense of aggravated kidnaping
21 when he or she commits kidnapping and:

22 (1) kidnaps with the intent to obtain ransom from the
23 person kidnaped or from any other person;

24 (2) takes as his or her victim a child under the age of
25 13 years, or a person with a severe or profound

1 intellectual disability;

2 (3) inflicts great bodily harm, other than by the
3 discharge of a firearm, or commits another felony upon his
4 or her victim;

5 (4) wears a hood, robe, or mask or conceals his or her
6 identity;

7 (5) commits the offense of kidnaping while armed with
8 a dangerous weapon, other than a firearm, as defined in
9 Section 33A-1 of this Code;

10 (6) commits the offense of kidnaping while armed with
11 a firearm;

12 (7) during the commission of the offense of kidnaping,
13 personally discharges a firearm; or

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

18 As used in this Section, "ransom" includes money, benefit,
19 or other valuable thing or concession.

20 (b) Sentence. Aggravated kidnaping in violation of
21 paragraph (1), (2), (3), (4), or (5) of subsection (a) is a
22 Class X felony. A violation of subsection (a)(6) is a Class X
23 felony for which up to 15 years may ~~shall~~ be added to the term
24 of imprisonment imposed by the court, if the person committed
25 the offense while personally armed with a firearm, and while
26 personally displaying the firearm. A violation of subsection

1 (a) (7) is a Class X felony for which up to 20 years may ~~shall~~
2 be added to the term of imprisonment imposed by the court. A
3 violation of subsection (a) (8) is a Class X felony for which up
4 to 25 years may ~~or up to a term of natural life shall~~ be added
5 to the term of imprisonment imposed by the court. An offender
6 under the age of 18 years at the time of the commission of
7 aggravated kidnaping in violation of paragraphs (1) through
8 (8) of subsection (a) shall be sentenced under Section
9 5-4.5-105 of the Unified Code of Corrections.

10 A person who has attained the age of 18 years at the time
11 of the commission of the offense and who is convicted of a
12 second or subsequent offense of aggravated kidnaping shall be
13 sentenced to a term of natural life imprisonment; except that
14 a sentence of natural life imprisonment shall not be imposed
15 under this Section unless the second or subsequent offense was
16 committed after conviction on the first offense. An offender
17 under the age of 18 years at the time of the commission of the
18 second or subsequent offense shall be sentenced under Section
19 5-4.5-105 of the Unified Code of Corrections.

20 (Source: P.A. 99-69, eff. 1-1-16; 99-143, eff. 7-27-15;
21 99-642, eff. 7-28-16.)

22 (720 ILCS 5/11-1.30) (was 720 ILCS 5/12-14)

23 Sec. 11-1.30. Aggravated Criminal Sexual Assault.

24 (a) A person commits aggravated criminal sexual assault if
25 that person commits criminal sexual assault and any of the

1 following aggravating circumstances exist during the
2 commission of the offense or, for purposes of paragraph (7),
3 occur as part of the same course of conduct as the commission
4 of the offense:

5 (1) the person displays, threatens to use, or uses a
6 dangerous weapon, other than a firearm, or any other
7 object fashioned or used in a manner that leads the
8 victim, under the circumstances, reasonably to believe
9 that the object is a dangerous weapon;

10 (2) the person causes bodily harm to the victim,
11 except as provided in paragraph (10);

12 (3) the person acts in a manner that threatens or
13 endangers the life of the victim or any other person;

14 (4) the person commits the criminal sexual assault
15 during the course of committing or attempting to commit
16 any other felony;

17 (5) the victim is 60 years of age or older;

18 (6) the victim is a person with a physical disability;

19 (7) the person delivers (by injection, inhalation,
20 ingestion, transfer of possession, or any other means) any
21 controlled substance to the victim without the victim's
22 consent or by threat or deception for other than medical
23 purposes;

24 (8) the person is armed with a firearm;

25 (9) the person personally discharges a firearm during
26 the commission of the offense; or

1 (10) the person personally discharges a firearm during
2 the commission of the offense, and that discharge
3 proximately causes great bodily harm, permanent
4 disability, permanent disfigurement, or death to another
5 person.

6 (b) A person commits aggravated criminal sexual assault if
7 that person is under 17 years of age and: (i) commits an act of
8 sexual penetration with a victim who is under 9 years of age;
9 or (ii) commits an act of sexual penetration with a victim who
10 is at least 9 years of age but under 13 years of age and the
11 person uses force or threat of force to commit the act.

12 (c) A person commits aggravated criminal sexual assault if
13 that person commits an act of sexual penetration with a victim
14 who is a person with a severe or profound intellectual
15 disability.

16 (d) Sentence.

17 (1) Aggravated criminal sexual assault in violation of
18 paragraph (2), (3), (4), (5), (6), or (7) of subsection
19 (a) or in violation of subsection (b) or (c) is a Class X
20 felony. A violation of subsection (a)(1) is a Class X
21 felony for which 10 years shall be added to the term of
22 imprisonment imposed by the court. A violation of
23 subsection (a)(8) is a Class X felony for which up to 15
24 years may ~~shall~~ be added to the term of imprisonment
25 imposed by the court, if the person committed the offense
26 while personally armed with a firearm, and while

1 personally displaying the firearm. A violation of
2 subsection (a) (9) is a Class X felony for which up to 20
3 years may ~~shall~~ be added to the term of imprisonment
4 imposed by the court. A violation of subsection (a) (10) is
5 a Class X felony for which up to 25 years may ~~or up to a~~
6 ~~term of natural life imprisonment shall~~ be added to the
7 term of imprisonment imposed by the court. An offender
8 under the age of 18 years at the time of the commission of
9 aggravated criminal sexual assault in violation of
10 paragraphs (1) through (10) of subsection (a) shall be
11 sentenced under Section 5-4.5-105 of the Unified Code of
12 Corrections.

13 (2) A person who has attained the age of 18 years at
14 the time of the commission of the offense and who is
15 convicted of a second or subsequent offense of aggravated
16 criminal sexual assault, or who is convicted of the
17 offense of aggravated criminal sexual assault after having
18 previously been convicted of the offense of criminal
19 sexual assault or the offense of predatory criminal sexual
20 assault of a child, or who is convicted of the offense of
21 aggravated criminal sexual assault after having previously
22 been convicted under the laws of this or any other state of
23 an offense that is substantially equivalent to the offense
24 of criminal sexual assault, the offense of aggravated
25 criminal sexual assault or the offense of predatory
26 criminal sexual assault of a child, shall be sentenced to

1 a term of natural life imprisonment. The commission of the
2 second or subsequent offense is required to have been
3 after the initial conviction for this paragraph (2) to
4 apply. An offender under the age of 18 years at the time of
5 the commission of the offense covered by this paragraph
6 (2) shall be sentenced under Section 5-4.5-105 of the
7 Unified Code of Corrections.

8 (Source: P.A. 99-69, eff. 1-1-16; 99-143, eff. 7-27-15;
9 99-642, eff. 7-28-16.)

10 (720 ILCS 5/11-1.40) (was 720 ILCS 5/12-14.1)
11 Sec. 11-1.40. Predatory criminal sexual assault of a
12 child.

13 (a) A person commits predatory criminal sexual assault of
14 a child if that person is 17 years of age or older, and commits
15 an act of contact, however slight, between the sex organ or
16 anus of one person and the part of the body of another for the
17 purpose of sexual gratification or arousal of the victim or
18 the accused, or an act of sexual penetration, and:

19 (1) the victim is under 13 years of age; or

20 (2) the victim is under 13 years of age and that
21 person:

22 (A) is armed with a firearm;

23 (B) personally discharges a firearm during the
24 commission of the offense;

25 (C) causes great bodily harm to the victim that:

1 (i) results in permanent disability; or

2 (ii) is life threatening; or

3 (D) delivers (by injection, inhalation, ingestion,
4 transfer of possession, or any other means) any
5 controlled substance to the victim without the
6 victim's consent or by threat or deception, for other
7 than medical purposes.

8 (b) Sentence.

9 (1) A person convicted of a violation of subsection
10 (a)(1) commits a Class X felony, for which the person
11 shall be sentenced to a term of imprisonment of not less
12 than 6 years and not more than 60 years. A person convicted
13 of a violation of subsection (a)(2)(A) commits a Class X
14 felony for which up to 15 years may ~~shall~~ be added to the
15 term of imprisonment imposed by the court, if the person
16 committed the offense while personally armed with a
17 firearm, and while personally displaying the firearm. A
18 person convicted of a violation of subsection (a)(2)(B)
19 commits a Class X felony for which up to 20 years may ~~shall~~
20 be added to the term of imprisonment imposed by the court.
21 A person who has attained the age of 18 years at the time
22 of the commission of the offense and who is convicted of a
23 violation of subsection (a)(2)(C) commits a Class X felony
24 for which the person shall be sentenced to a term of
25 imprisonment of not less than 50 years or up to a term of
26 natural life imprisonment. An offender under the age of 18

1 years at the time of the commission of predatory criminal
2 sexual assault of a child in violation of subsections
3 (a)(1), (a)(2)(A), (a)(2)(B), and (a)(2)(C) shall be
4 sentenced under Section 5-4.5-105 of the Unified Code of
5 Corrections.

6 (1.1) A person convicted of a violation of subsection
7 (a)(2)(D) commits a Class X felony for which the person
8 shall be sentenced to a term of imprisonment of not less
9 than 50 years and not more than 60 years. An offender under
10 the age of 18 years at the time of the commission of
11 predatory criminal sexual assault of a child in violation
12 of subsection (a)(2)(D) shall be sentenced under Section
13 5-4.5-105 of the Unified Code of Corrections.

14 (1.2) A person who has attained the age of 18 years at
15 the time of the commission of the offense and convicted of
16 predatory criminal sexual assault of a child committed
17 against 2 or more persons regardless of whether the
18 offenses occurred as the result of the same act or of
19 several related or unrelated acts shall be sentenced to a
20 term of natural life imprisonment and an offender under
21 the age of 18 years at the time of the commission of the
22 offense shall be sentenced under Section 5-4.5-105 of the
23 Unified Code of Corrections.

24 (2) A person who has attained the age of 18 years at
25 the time of the commission of the offense and who is
26 convicted of a second or subsequent offense of predatory

1 criminal sexual assault of a child, or who is convicted of
2 the offense of predatory criminal sexual assault of a
3 child after having previously been convicted of the
4 offense of criminal sexual assault or the offense of
5 aggravated criminal sexual assault, or who is convicted of
6 the offense of predatory criminal sexual assault of a
7 child after having previously been convicted under the
8 laws of this State or any other state of an offense that is
9 substantially equivalent to the offense of predatory
10 criminal sexual assault of a child, the offense of
11 aggravated criminal sexual assault or the offense of
12 criminal sexual assault, shall be sentenced to a term of
13 natural life imprisonment. The commission of the second or
14 subsequent offense is required to have been after the
15 initial conviction for this paragraph (2) to apply. An
16 offender under the age of 18 years at the time of the
17 commission of the offense covered by this paragraph (2)
18 shall be sentenced under Section 5-4.5-105 of the Unified
19 Code of Corrections.

20 (Source: P.A. 98-370, eff. 1-1-14; 98-756, eff. 7-16-14;
21 98-903, eff. 8-15-14; 99-69, eff. 1-1-16.)

22 (720 ILCS 5/12-3.05) (was 720 ILCS 5/12-4)

23 Sec. 12-3.05. Aggravated battery.

24 (a) Offense based on injury. A person commits aggravated
25 battery when, in committing a battery, other than by the

1 discharge of a firearm, he or she knowingly does any of the
2 following:

3 (1) Causes great bodily harm or permanent disability
4 or disfigurement.

5 (2) Causes severe and permanent disability, great
6 bodily harm, or disfigurement by means of a caustic or
7 flammable substance, a poisonous gas, a deadly biological
8 or chemical contaminant or agent, a radioactive substance,
9 or a bomb or explosive compound.

10 (3) Causes great bodily harm or permanent disability
11 or disfigurement to an individual whom the person knows to
12 be a peace officer, community policing volunteer, fireman,
13 private security officer, correctional institution
14 employee, or Department of Human Services employee
15 supervising or controlling sexually dangerous persons or
16 sexually violent persons:

17 (i) performing his or her official duties;

18 (ii) battered to prevent performance of his or her
19 official duties; or

20 (iii) battered in retaliation for performing his
21 or her official duties.

22 (4) Causes great bodily harm or permanent disability
23 or disfigurement to an individual 60 years of age or
24 older.

25 (5) Strangles another individual.

26 (b) Offense based on injury to a child or person with an

1 intellectual disability. A person who is at least 18 years of
2 age commits aggravated battery when, in committing a battery,
3 he or she knowingly and without legal justification by any
4 means:

5 (1) causes great bodily harm or permanent disability
6 or disfigurement to any child under the age of 13 years, or
7 to any person with a severe or profound intellectual
8 disability; or

9 (2) causes bodily harm or disability or disfigurement
10 to any child under the age of 13 years or to any person
11 with a severe or profound intellectual disability.

12 (c) Offense based on location of conduct. A person commits
13 aggravated battery when, in committing a battery, other than
14 by the discharge of a firearm, he or she is or the person
15 battered is on or about a public way, public property, a public
16 place of accommodation or amusement, a sports venue, or a
17 domestic violence shelter, or in a church, synagogue, mosque,
18 or other building, structure, or place used for religious
19 worship.

20 (d) Offense based on status of victim. A person commits
21 aggravated battery when, in committing a battery, other than
22 by discharge of a firearm, he or she knows the individual
23 battered to be any of the following:

24 (1) A person 60 years of age or older.

25 (2) A person who is pregnant or has a physical
26 disability.

1 (3) A teacher or school employee upon school grounds
2 or grounds adjacent to a school or in any part of a
3 building used for school purposes.

4 (4) A peace officer, community policing volunteer,
5 fireman, private security officer, correctional
6 institution employee, or Department of Human Services
7 employee supervising or controlling sexually dangerous
8 persons or sexually violent persons:

9 (i) performing his or her official duties;

10 (ii) battered to prevent performance of his or her
11 official duties; or

12 (iii) battered in retaliation for performing his
13 or her official duties.

14 (5) A judge, emergency management worker, emergency
15 medical services personnel, or utility worker:

16 (i) performing his or her official duties;

17 (ii) battered to prevent performance of his or her
18 official duties; or

19 (iii) battered in retaliation for performing his
20 or her official duties.

21 (6) An officer or employee of the State of Illinois, a
22 unit of local government, or a school district, while
23 performing his or her official duties.

24 (7) A transit employee performing his or her official
25 duties, or a transit passenger.

26 (8) A taxi driver on duty.

1 (9) A merchant who detains the person for an alleged
2 commission of retail theft under Section 16-26 of this
3 Code and the person without legal justification by any
4 means causes bodily harm to the merchant.

5 (10) A person authorized to serve process under
6 Section 2-202 of the Code of Civil Procedure or a special
7 process server appointed by the circuit court while that
8 individual is in the performance of his or her duties as a
9 process server.

10 (11) A nurse while in the performance of his or her
11 duties as a nurse.

12 (12) A merchant: (i) while performing his or her
13 duties, including, but not limited to, relaying directions
14 for healthcare or safety from his or her supervisor or
15 employer or relaying health or safety guidelines,
16 recommendations, regulations, or rules from a federal,
17 State, or local public health agency; and (ii) during a
18 disaster declared by the Governor, or a state of emergency
19 declared by the mayor of the municipality in which the
20 merchant is located, due to a public health emergency and
21 for a period of 6 months after such declaration.

22 (e) Offense based on use of a firearm. A person commits
23 aggravated battery when, in committing a battery, he or she
24 knowingly does any of the following:

25 (1) Discharges a firearm, other than a machine gun or
26 a firearm equipped with a silencer, and causes any injury

1 to another person.

2 (2) Discharges a firearm, other than a machine gun or
3 a firearm equipped with a silencer, and causes any injury
4 to a person he or she knows to be a peace officer,
5 community policing volunteer, person summoned by a police
6 officer, fireman, private security officer, correctional
7 institution employee, or emergency management worker:

8 (i) performing his or her official duties;

9 (ii) battered to prevent performance of his or her
10 official duties; or

11 (iii) battered in retaliation for performing his
12 or her official duties.

13 (3) Discharges a firearm, other than a machine gun or
14 a firearm equipped with a silencer, and causes any injury
15 to a person he or she knows to be emergency medical
16 services personnel:

17 (i) performing his or her official duties;

18 (ii) battered to prevent performance of his or her
19 official duties; or

20 (iii) battered in retaliation for performing his
21 or her official duties.

22 (4) Discharges a firearm and causes any injury to a
23 person he or she knows to be a teacher, a student in a
24 school, or a school employee, and the teacher, student, or
25 employee is upon school grounds or grounds adjacent to a
26 school or in any part of a building used for school

1 purposes.

2 (5) Discharges a machine gun or a firearm equipped
3 with a silencer, and causes any injury to another person.

4 (6) Discharges a machine gun or a firearm equipped
5 with a silencer, and causes any injury to a person he or
6 she knows to be a peace officer, community policing
7 volunteer, person summoned by a police officer, fireman,
8 private security officer, correctional institution
9 employee or emergency management worker:

10 (i) performing his or her official duties;

11 (ii) battered to prevent performance of his or her
12 official duties; or

13 (iii) battered in retaliation for performing his
14 or her official duties.

15 (7) Discharges a machine gun or a firearm equipped
16 with a silencer, and causes any injury to a person he or
17 she knows to be emergency medical services personnel:

18 (i) performing his or her official duties;

19 (ii) battered to prevent performance of his or her
20 official duties; or

21 (iii) battered in retaliation for performing his
22 or her official duties.

23 (8) Discharges a machine gun or a firearm equipped
24 with a silencer, and causes any injury to a person he or
25 she knows to be a teacher, or a student in a school, or a
26 school employee, and the teacher, student, or employee is

1 upon school grounds or grounds adjacent to a school or in
2 any part of a building used for school purposes.

3 (f) Offense based on use of a weapon or device. A person
4 commits aggravated battery when, in committing a battery, he
5 or she does any of the following:

6 (1) Uses a deadly weapon other than by discharge of a
7 firearm, or uses an air rifle as defined in Section
8 24.8-0.1 of this Code.

9 (2) Wears a hood, robe, or mask to conceal his or her
10 identity.

11 (3) Knowingly and without lawful justification shines
12 or flashes a laser gunsight or other laser device attached
13 to a firearm, or used in concert with a firearm, so that
14 the laser beam strikes upon or against the person of
15 another.

16 (4) Knowingly video or audio records the offense with
17 the intent to disseminate the recording.

18 (g) Offense based on certain conduct. A person commits
19 aggravated battery when, other than by discharge of a firearm,
20 he or she does any of the following:

21 (1) Violates Section 401 of the Illinois Controlled
22 Substances Act by unlawfully delivering a controlled
23 substance to another and any user experiences great bodily
24 harm or permanent disability as a result of the injection,
25 inhalation, or ingestion of any amount of the controlled
26 substance.

1 (2) Knowingly administers to an individual or causes
2 him or her to take, without his or her consent or by threat
3 or deception, and for other than medical purposes, any
4 intoxicating, poisonous, stupefying, narcotic,
5 anesthetic, or controlled substance, or gives to another
6 person any food containing any substance or object
7 intended to cause physical injury if eaten.

8 (3) Knowingly causes or attempts to cause a
9 correctional institution employee or Department of Human
10 Services employee to come into contact with blood, seminal
11 fluid, urine, or feces by throwing, tossing, or expelling
12 the fluid or material, and the person is an inmate of a
13 penal institution or is a sexually dangerous person or
14 sexually violent person in the custody of the Department
15 of Human Services.

16 (h) Sentence. Unless otherwise provided, aggravated
17 battery is a Class 3 felony.

18 Aggravated battery as defined in subdivision (a)(4),
19 (d)(4), or (g)(3) is a Class 2 felony.

20 Aggravated battery as defined in subdivision (a)(3) or
21 (g)(1) is a Class 1 felony.

22 Aggravated battery as defined in subdivision (a)(1) is a
23 Class 1 felony when the aggravated battery was intentional and
24 involved the infliction of torture, as defined in paragraph
25 (10) of subsection (b-5) of Section 5-8-1 of the Unified Code
26 of Corrections, as the infliction of or subjection to extreme

1 physical pain, motivated by an intent to increase or prolong
2 the pain, suffering, or agony of the victim.

3 Aggravated battery as defined in subdivision (a)(1) is a
4 Class 2 felony when the person causes great bodily harm or
5 permanent disability to an individual whom the person knows to
6 be a member of a congregation engaged in prayer or other
7 religious activities at a church, synagogue, mosque, or other
8 building, structure, or place used for religious worship.

9 Aggravated battery under subdivision (a)(5) is a Class 1
10 felony if:

11 (A) the person used or attempted to use a dangerous
12 instrument while committing the offense;

13 (B) the person caused great bodily harm or permanent
14 disability or disfigurement to the other person while
15 committing the offense; or

16 (C) the person has been previously convicted of a
17 violation of subdivision (a)(5) under the laws of this
18 State or laws similar to subdivision (a)(5) of any other
19 state.

20 Aggravated battery as defined in subdivision (e)(1) is a
21 Class X felony.

22 Aggravated battery as defined in subdivision (a)(2) is a
23 Class X felony for which a person shall be sentenced to a term
24 of imprisonment of a minimum of 6 years and a maximum of 45
25 years.

26 Aggravated battery as defined in subdivision (e)(5) is a

1 Class X felony for which a person shall be sentenced to a term
2 of imprisonment of a minimum of 12 years and a maximum of 45
3 years.

4 Aggravated battery as defined in subdivision (e)(2),
5 (e)(3), or (e)(4) is a Class X felony for which a person shall
6 be sentenced to a term of imprisonment of a minimum of 15 years
7 and a maximum of 60 years.

8 Aggravated battery as defined in subdivision (e)(6),
9 (e)(7), or (e)(8) is a Class X felony for which a person shall
10 be sentenced to a term of imprisonment of a minimum of 20 years
11 and a maximum of 60 years.

12 Aggravated battery as defined in subdivision (b)(1) is a
13 Class X felony, except that:

14 (1) if the person committed the offense while
15 personally armed with a firearm, and while personally
16 displaying the firearm, up to 15 years may ~~shall~~ be added
17 to the term of imprisonment imposed by the court;

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

22 (3) if, during the commission of the offense, the
23 person personally discharged a firearm that proximately
24 caused great bodily harm, permanent disability, permanent
25 disfigurement, or death to another person, up to 25 years
26 may ~~or up to a term of natural life shall~~ be added to the

1 term of imprisonment imposed by the court.

2 (i) Definitions. In this Section:

3 "Building or other structure used to provide shelter" has
4 the meaning ascribed to "shelter" in Section 1 of the Domestic
5 Violence Shelters Act.

6 "Domestic violence" has the meaning ascribed to it in
7 Section 103 of the Illinois Domestic Violence Act of 1986.

8 "Domestic violence shelter" means any building or other
9 structure used to provide shelter or other services to victims
10 or to the dependent children of victims of domestic violence
11 pursuant to the Illinois Domestic Violence Act of 1986 or the
12 Domestic Violence Shelters Act, or any place within 500 feet
13 of such a building or other structure in the case of a person
14 who is going to or from such a building or other structure.

15 "Firearm" has the meaning provided under Section 1.1 of
16 the Firearm Owners Identification Card Act, and does not
17 include an air rifle as defined by Section 24.8-0.1 of this
18 Code.

19 "Machine gun" has the meaning ascribed to it in Section
20 24-1 of this Code.

21 "Merchant" has the meaning ascribed to it in Section
22 16-0.1 of this Code.

23 "Strangle" means intentionally impeding the normal
24 breathing or circulation of the blood of an individual by
25 applying pressure on the throat or neck of that individual or
26 by blocking the nose or mouth of that individual.

1 (Source: P.A. 103-51, eff. 1-1-24.)

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

3 Sec. 18-2. Armed robbery.

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

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

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

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

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

17 (b) Sentence.

18 Armed robbery in violation of subsection (a) (1) is a Class
19 X felony. A violation of subsection (a) (2) is a Class X felony
20 for which up to 15 years ~~may shall~~ be added to the term of
21 imprisonment imposed by the court, if the person committed the
22 offense while personally armed with a firearm, and while
23 personally displaying the firearm. A violation of subsection
24 (a) (3) is a Class X felony for which up to 20 years ~~may shall~~
25 be added to the term of imprisonment imposed by the court. A

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

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

5 (720 ILCS 5/18-4)

6 Sec. 18-4. Aggravated vehicular hijacking.

7 (a) A person commits aggravated vehicular hijacking when
8 he or she violates Section 18-3; and

9 (1) the person from whose immediate presence the motor
10 vehicle is taken is a person with a physical disability or
11 a person 60 years of age or over; or

12 (2) a person under 16 years of age is a passenger in
13 the motor vehicle at the time of the offense; or

14 (3) he or she carries on or about his or her person, or
15 is otherwise armed with a dangerous weapon, other than a
16 firearm; or

17 (4) he or she carries on or about his or her person or
18 is otherwise armed with a firearm; or

19 (5) he or she, during the commission of the offense,
20 personally discharges a firearm; or

21 (6) he or she, during the commission of the offense,
22 personally discharges a firearm that proximately causes
23 great bodily harm, permanent disability, permanent
24 disfigurement, or death to another person.

25 (b) Sentence. Aggravated vehicular hijacking in violation

1 of subsections (a)(1) or (a)(2) is a Class X felony. A
2 violation of subsection (a)(3) is a Class X felony for which a
3 term of imprisonment of not less than 7 years shall be imposed.
4 A violation of subsection (a)(4) is a Class X felony for which
5 up to 15 years may ~~shall~~ be added to the term of imprisonment
6 imposed by the court, if the person committed the offense
7 while personally armed with a firearm, and while personally
8 displaying the firearm. A violation of subsection (a)(5) is a
9 Class X felony for which up to 20 years may ~~shall~~ be added to
10 the term of imprisonment imposed by the court. A violation of
11 subsection (a)(6) is a Class X felony for which up to 25 years
12 ~~may or up to a term of natural life shall~~ be added to the term
13 of imprisonment imposed by the court.

14 (Source: P.A. 99-143, eff. 7-27-15.)

15 (720 ILCS 5/19-6) (was 720 ILCS 5/12-11)

16 Sec. 19-6. Home Invasion.

17 (a) A person who is not a peace officer acting in the line
18 of duty commits home invasion when without authority he or she
19 knowingly enters the dwelling place of another when he or she
20 knows or has reason to know that one or more persons is present
21 or he or she knowingly enters the dwelling place of another and
22 remains in the dwelling place until he or she knows or has
23 reason to know that one or more persons is present or who
24 falsely represents himself or herself, including but not
25 limited to, falsely representing himself or herself to be a

1 representative of any unit of government or a construction,
2 telecommunications, or utility company, for the purpose of
3 gaining entry to the dwelling place of another when he or she
4 knows or has reason to know that one or more persons are
5 present and

6 (1) While armed with a dangerous weapon, other than a
7 firearm, uses force or threatens the imminent use of force
8 upon any person or persons within the dwelling place
9 whether or not injury occurs, or

10 (2) Intentionally causes any injury, except as
11 provided in subsection (a)(5), to any person or persons
12 within the dwelling place, or

13 (3) While armed with a firearm uses force or threatens
14 the imminent use of force upon any person or persons
15 within the dwelling place whether or not injury occurs, or

16 (4) Uses force or threatens the imminent use of force
17 upon any person or persons within the dwelling place
18 whether or not injury occurs and during the commission of
19 the offense personally discharges a firearm, or

20 (5) Personally discharges a firearm that proximately
21 causes great bodily harm, permanent disability, permanent
22 disfigurement, or death to another person within the
23 dwelling place, or

24 (6) Commits, against any person or persons within that
25 dwelling place, a violation of Section 11-1.20, 11-1.30,
26 11-1.40, 11-1.50, or 11-1.60 of this Code.

1 (b) It is an affirmative defense to a charge of home
2 invasion that the accused who knowingly enters the dwelling
3 place of another and remains in the dwelling place until he or
4 she knows or has reason to know that one or more persons is
5 present either immediately leaves the premises or surrenders
6 to the person or persons lawfully present therein without
7 either attempting to cause or causing serious bodily injury to
8 any person present therein.

9 (c) Sentence. Home invasion in violation of subsection
10 (a) (1), (a) (2) or (a) (6) is a Class X felony. A violation of
11 subsection (a) (3) is a Class X felony for which up to 15 years
12 ~~may shall~~ be added to the term of imprisonment imposed by the
13 court, if the person committed the offense while personally
14 armed with a firearm, and while personally displaying the
15 firearm. A violation of subsection (a) (4) is a Class X felony
16 for which up to 20 years ~~may shall~~ be added to the term of
17 imprisonment imposed by the court. A violation of subsection
18 (a) (5) is a Class X felony for which up to 25 years ~~may or up~~
19 ~~to a term of natural life shall~~ be added to the term of
20 imprisonment imposed by the court.

21 (d) For purposes of this Section, "dwelling place of
22 another" includes a dwelling place where the defendant
23 maintains a tenancy interest but from which the defendant has
24 been barred by a divorce decree, judgment of dissolution of
25 marriage, order of protection, or other court order.

26 (Source: P.A. 96-1113, eff. 1-1-11; 96-1551, eff. 7-1-11;

97-1108, eff. 1-1-13; 97-1150, eff. 1-25-13.)

Section 10. The Unified Code of Corrections is amended by changing Section 5-8-1 as follows:

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

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

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

(1) for first degree murder,

(a) (blank),

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

(b-5) a ~~A~~ defendant who at the time of the commission of the offense has attained the age of 18 or more and who has been found guilty of first degree

1 murder may be sentenced to a term of natural life
2 imprisonment if:

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

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

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

20 (4) the murdered individual was killed in the
21 course of another felony if:

22 (A) the murdered individual:

23 (i) was actually killed by the
24 defendant, or

25 (ii) received physical injuries
26 personally inflicted by the defendant

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

22 (B) in performing the acts which caused
23 the death of the murdered individual or which
24 resulted in physical injuries personally
25 inflicted by the defendant on the murdered
26 individual under the circumstances of

1 subdivision (ii) of clause (A) of this clause
2 (4), the defendant acted with the intent to
3 kill the murdered individual or with the
4 knowledge that his or her acts created a
5 strong probability of death or great bodily
6 harm to the murdered individual or another;
7 and

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

18 (5) the defendant committed the murder with
19 intent to prevent the murdered individual from
20 testifying or participating in any criminal
21 investigation or prosecution or giving material
22 assistance to the State in any investigation or
23 prosecution, either against the defendant or
24 another; or the defendant committed the murder
25 because the murdered individual was a witness in
26 any prosecution or gave material assistance to the

1 State in any investigation or prosecution, either
2 against the defendant or another; for purposes of
3 this clause (5), "participating in any criminal
4 investigation or prosecution" is intended to
5 include those appearing in the proceedings in any
6 capacity such as trial judges, prosecutors,
7 defense attorneys, investigators, witnesses, or
8 jurors;

9 (6) the defendant, while committing an offense
10 punishable under Section 401, 401.1, 401.2, 405,
11 405.2, 407, or 407.1 or subsection (b) of Section
12 404 of the Illinois Controlled Substances Act, or
13 while engaged in a conspiracy or solicitation to
14 commit such offense, intentionally killed an
15 individual or counseled, commanded, induced,
16 procured, or caused the intentional killing of the
17 murdered individual;

18 (7) the defendant was incarcerated in an
19 institution or facility of the Department of
20 Corrections at the time of the murder, and while
21 committing an offense punishable as a felony under
22 Illinois law, or while engaged in a conspiracy or
23 solicitation to commit such offense, intentionally
24 killed an individual or counseled, commanded,
25 induced, procured, or caused the intentional
26 killing of the murdered individual;

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

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

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

22 (11) the murder was committed as a result of
23 the intentional discharge of a firearm by the
24 defendant from a motor vehicle and the victim was
25 not present within the motor vehicle;

26 (12) the murdered individual was a person with

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

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

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

22 (15) the murder was committed by the defendant
23 in connection with or as a result of the offense of
24 terrorism as defined in Section 29D-14.9 of this
25 Code;

26 (16) the murdered individual was a member of a

1 congregation engaged in prayer or other religious
2 activities at a church, synagogue, mosque, or
3 other building, structure, or place used for
4 religious worship; or

5 (17)(i) the murdered individual was a
6 physician, physician assistant, psychologist,
7 nurse, or advanced practice registered nurse;

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

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

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

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

25 (ii) is found guilty of murdering more than
26 one victim, or

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

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

21 (v) is found guilty of murdering an emergency
22 medical technician - ambulance, emergency medical
23 technician - intermediate, emergency medical
24 technician - paramedic, ambulance driver, or other
25 medical assistance or first aid person while
26 employed by a municipality or other governmental

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

11 (vi) (blank), or

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

20 For purposes of clause (v), "emergency medical
21 technician - ambulance", "emergency medical technician
22 - intermediate", and "emergency medical technician -
23 paramedic"~~7~~ have the meanings ascribed to them in the
24 Emergency Medical Services (EMS) Systems Act.

25 (d) (i) if the person committed the offense while
26 personally armed with a firearm, and while

1 personally displaying the firearm, up to 15 years
2 may ~~shall~~ be added to the term of imprisonment
3 imposed by the court;

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

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

15 (2) (blank);

16 (2.5) for a person who has attained the age of 18 years
17 at the time of the commission of the offense and who is
18 convicted under the circumstances described in subdivision
19 (b)(1)(B) of Section 11-1.20 or paragraph (3) of
20 subsection (b) of Section 12-13, subdivision (d)(2) of
21 Section 11-1.30 or paragraph (2) of subsection (d) of
22 Section 12-14, subdivision (b)(1.2) of Section 11-1.40 or
23 paragraph (1.2) of subsection (b) of Section 12-14.1,
24 subdivision (b)(2) of Section 11-1.40 or paragraph (2) of
25 subsection (b) of Section 12-14.1 of the Criminal Code of
26 1961 or the Criminal Code of 2012, the sentence shall be a

1 term of natural life imprisonment.

2 (b) (Blank).

3 (c) (Blank).

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

8 (1) for first degree murder or for the offenses of
9 predatory criminal sexual assault of a child, aggravated
10 criminal sexual assault, and criminal sexual assault if
11 committed on or before December 12, 2005, 3 years;

12 (1.5) except as provided in paragraph (7) of this
13 subsection (d), for a Class X felony except for the
14 offenses of predatory criminal sexual assault of a child,
15 aggravated criminal sexual assault, and criminal sexual
16 assault if committed on or after December 13, 2005 (the
17 effective date of Public Act 94-715) and except for the
18 offense of aggravated child pornography under Section
19 11-20.1B, 11-20.3, or 11-20.1 with sentencing under
20 subsection (c-5) of Section 11-20.1 of the Criminal Code
21 of 1961 or the Criminal Code of 2012, if committed on or
22 after January 1, 2009, and except for the offense of
23 obscene depiction of a purported child with sentencing
24 under subsection (d) of Section 11-20.4 of the Criminal
25 Code of 2012, 18 months;

26 (2) except as provided in paragraph (7) of this

1 subsection (d), for a Class 1 felony or a Class 2 felony
2 except for the offense of criminal sexual assault if
3 committed on or after December 13, 2005 (the effective
4 date of Public Act 94-715) and except for the offenses of
5 manufacture and dissemination of child pornography under
6 clauses (a)(1) and (a)(2) of Section 11-20.1 of the
7 Criminal Code of 1961 or the Criminal Code of 2012, if
8 committed on or after January 1, 2009, and except for the
9 offense of obscene depiction of a purported child under
10 paragraph (2) of subsection (b) of Section 11-20.4 of the
11 Criminal Code of 2012, 12 months;

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

1 December 6, 2022 (the effective date of Public Act
2 102-1104) ~~this amendatory Act of the 102nd General~~
3 ~~Assembly;~~

4 (4) for defendants who commit the offense of predatory
5 criminal sexual assault of a child, aggravated criminal
6 sexual assault, or criminal sexual assault, on or after
7 December 13, 2005 (the effective date of Public Act
8 94-715), or who commit the offense of aggravated child
9 pornography under Section 11-20.1B, 11-20.3, or 11-20.1
10 with sentencing under subsection (c-5) of Section 11-20.1
11 of the Criminal Code of 1961 or the Criminal Code of 2012,
12 manufacture of child pornography, or dissemination of
13 child pornography after January 1, 2009, or who commit the
14 offense of obscene depiction of a purported child under
15 paragraph (2) of subsection (b) of Section 11-20.4 of the
16 Criminal Code of 2012 or who commit the offense of obscene
17 depiction of a purported child with sentencing under
18 subsection (d) of Section 11-20.4 of the Criminal Code of
19 2012, the term of mandatory supervised release shall range
20 from a minimum of 3 years to a maximum of the natural life
21 of the defendant;

22 (5) if the victim is under 18 years of age, for a
23 second or subsequent offense of aggravated criminal sexual
24 abuse or felony criminal sexual abuse, 4 years, at least
25 the first 2 years of which the defendant shall serve in an
26 electronic monitoring or home detention program under

1 Article 8A of Chapter V of this Code;

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

5 (7) for any felony described in paragraph (a)(2)(ii),
6 (a)(2)(iii), (a)(2)(iv), (a)(2)(vi), (a)(2.1), (a)(2.3),
7 (a)(2.4), (a)(2.5), or (a)(2.6) of Article 5, Section
8 3-6-3 of the Unified Code of Corrections requiring an
9 inmate to serve a minimum of 85% of their court-imposed
10 sentence, except for the offenses of predatory criminal
11 sexual assault of a child, aggravated criminal sexual
12 assault, and criminal sexual assault if committed on or
13 after December 13, 2005 (the effective date of Public Act
14 94-715) and except for the offense of aggravated child
15 pornography under Section 11-20.1B, 11-20.3, or 11-20.1
16 with sentencing under subsection (c-5) of Section 11-20.1
17 of the Criminal Code of 1961 or the Criminal Code of 2012,
18 if committed on or after January 1, 2009, and except for
19 the offense of obscene depiction of a purported child with
20 sentencing under subsection (d) of Section 11-20.4 of the
21 Criminal Code of 2012, and except as provided in paragraph
22 (4) or paragraph (6) of this subsection (d), the term of
23 mandatory supervised release shall be as follows:

24 (A) Class X felony, 3 years;

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

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

1 (e) (Blank).

2 (f) (Blank).

3 (g) Notwithstanding any other provisions of this Act and
4 of Public Act 101-652: (i) the provisions of paragraph (3) of
5 subsection (d) are effective on July 1, 2022 and shall apply to
6 all individuals convicted on or after the effective date of
7 paragraph (3) of subsection (d); and (ii) the provisions of
8 paragraphs (1.5) and (2) of subsection (d) are effective on
9 July 1, 2021 and shall apply to all individuals convicted on or
10 after the effective date of paragraphs (1.5) and (2) of
11 subsection (d).

12 (Source: P.A. 102-28, eff. 6-25-21; 102-687, eff. 12-17-21;
13 102-694, eff. 1-7-22; 102-1104, eff. 12-6-22; 103-51, eff.
14 1-1-24; 103-825, eff. 1-1-25; revised 10-24-24.)