

SB1936



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB1936

Introduced 2/6/2025, by Sen. Willie Preston

SYNOPSIS AS INTRODUCED:

See Index

Provides that the Act may be referred to as the Rafael Wordlaw Act. Amends the Criminal Code of 2012. Provides that "machine gun" includes any firearm that is modified or equipped with a forced reset trigger, including an auto-switch or binary switch. Provides that a person commits the offense of unlawful possession of weapons when the person knowingly sells, manufactures, purchases, possesses or carries any firearm that is modified or equipped with a high-capacity magazine. Provides that aggravated unlawful possession of a weapon while carrying or possessing a weapon that has been modified or equipped with a forced reset trigger, including an auto-switch or binary switch, or high-capacity magazine, is a Class X felony. Provides that a person who knowingly sells, offers to sell, or transfers an unserialized unfinished frame or receiver or unserialized firearm is guilty of a Class 2 (rather than a Class 4) felony for a first violation and is guilty of a Class 1 (rather than a Class 2) felony for a second or subsequent violation. Amends the Unified Code of Corrections. Permits the court to sentence a defendant to an extended term sentence for specified firearms violations. Provides that if a firearm used to commit the offense was outfitted with parts designed or intended for use in converting any weapon into a machine gun or a high-capacity magazine, 5 consecutive years shall be added on to the 15, 20, or 25 years to life added to the sentence. Defines terms.

LRB104 11036 RLC 21118 b

A BILL FOR

1 AN ACT concerning criminal law.

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

4 Section 1. Short title. This Act may be referred to as the
5 Rafael Wordlaw Act.

6 Section 5. The Criminal Code of 2012 is amended by
7 changing Sections 24-1, 24-1.6, 24-2, and 24-5.1 as follows:

8 (720 ILCS 5/24-1) (from Ch. 38, par. 24-1)

9 Sec. 24-1. Unlawful possession of weapons.

10 (a) A person commits the offense of unlawful possession of
11 weapons when he knowingly:

12 (1) Sells, manufactures, purchases, possesses or
13 carries any bludgeon, black-jack, slung-shot, sand-club,
14 sand-bag, metal knuckles or other knuckle weapon
15 regardless of its composition, throwing star, or any
16 knife, commonly referred to as a switchblade knife, which
17 has a blade that opens automatically by hand pressure
18 applied to a button, spring or other device in the handle
19 of the knife, or a ballistic knife, which is a device that
20 propels a knifelike blade as a projectile by means of a
21 coil spring, elastic material or compressed gas; or

22 (2) Carries or possesses with intent to use the same

1 unlawfully against another, a dagger, dirk, billy,
2 dangerous knife, razor, stiletto, broken bottle or other
3 piece of glass, stun gun or taser or any other dangerous or
4 deadly weapon or instrument of like character; or

5 (2.5) Carries or possesses with intent to use the same
6 unlawfully against another, any firearm in a church,
7 synagogue, mosque, or other building, structure, or place
8 used for religious worship; or

9 (3) Carries on or about his person or in any vehicle, a
10 tear gas gun projector or bomb or any object containing
11 noxious liquid gas or substance, other than an object
12 containing a non-lethal noxious liquid gas or substance
13 designed solely for personal defense carried by a person
14 18 years of age or older; or

15 (4) Carries or possesses in any vehicle or concealed
16 on or about his person except when on his land or in his
17 own abode, legal dwelling, or fixed place of business, or
18 on the land or in the legal dwelling of another person as
19 an invitee with that person's permission, any pistol,
20 revolver, stun gun or taser or other firearm, except that
21 this subsection (a) (4) does not apply to or affect
22 transportation of weapons that meet one of the following
23 conditions:

24 (i) are broken down in a non-functioning state; or

25 (ii) are not immediately accessible; or

26 (iii) are unloaded and enclosed in a case, firearm

1 carrying box, shipping box, or other container by a
2 person who has been issued a currently valid Firearm
3 Owner's Identification Card; or

4 (iv) are carried or possessed in accordance with
5 the Firearm Concealed Carry Act by a person who has
6 been issued a currently valid license under the
7 Firearm Concealed Carry Act; or

8 (5) Sets a spring gun; or

9 (6) Possesses any device or attachment of any kind
10 designed, used or intended for use in silencing the report
11 of any firearm; or

12 (7) Sells, manufactures, purchases, possesses or
13 carries:

14 (i) a machine gun, which shall be defined for the
15 purposes of this subsection as any weapon, which
16 shoots, is designed to shoot, or can be readily
17 restored to shoot, automatically more than one shot
18 without manually reloading by a single function of the
19 trigger, including the frame or receiver of any such
20 weapon, or sells, manufactures, purchases, possesses,
21 or carries any combination of parts designed or
22 intended for use in converting any weapon into a
23 machine gun, or any combination or parts from which a
24 machine gun can be assembled if such parts are in the
25 possession or under the control of a person. "Machine
26 gun" also includes any firearm that is modified or

1 equipped with a forced reset trigger, including an
2 auto-switch or binary switch. In this subparagraph
3 (i), "forced reset trigger" means a combination of
4 parts designed and intended for use in converting a
5 weapon to shoot automatically more than one shot,
6 without manual reloading, by a single function of the
7 trigger;

8 (ii) any rifle having one or more barrels less
9 than 16 inches in length or a shotgun having one or
10 more barrels less than 18 inches in length or any
11 weapon made from a rifle or shotgun, whether by
12 alteration, modification, or otherwise, if such a
13 weapon as modified has an overall length of less than
14 26 inches; or

15 (ii-5) any firearm that is modified or equipped
16 with a high-capacity magazine. In this subparagraph
17 (ii-5), "high-capacity magazine" means a magazine,
18 belt, drum, feed strip, or similar device, including
19 any such device joined or coupled with another in any
20 manner, that has an overall capacity of more than 15
21 rounds of ammunition. "High-capacity magazine" does
22 not include an attached tubular device to accept, and
23 capable of operating only with, .22 caliber rimfire
24 ammunition; or

25 (iii) any bomb, bomb-shell, grenade, bottle or
26 other container containing an explosive substance of

1 over one-quarter ounce for like purposes, such as, but
2 not limited to, black powder bombs and Molotov
3 cocktails or artillery projectiles; or

4 (8) Carries or possesses any firearm, stun gun or
5 taser or other deadly weapon in any place which is
6 licensed to sell intoxicating beverages, or at any public
7 gathering held pursuant to a license issued by any
8 governmental body or any public gathering at which an
9 admission is charged, excluding a place where a showing,
10 demonstration or lecture involving the exhibition of
11 unloaded firearms is conducted.

12 This subsection (a) (8) does not apply to any auction
13 or raffle of a firearm held pursuant to a license or permit
14 issued by a governmental body, nor does it apply to
15 persons engaged in firearm safety training courses; or

16 (9) Carries or possesses in a vehicle or on or about
17 his or her person any pistol, revolver, stun gun or taser
18 or firearm or ballistic knife, when he or she is hooded,
19 robed or masked in such manner as to conceal his or her
20 identity; or

21 (10) Carries or possesses on or about his or her
22 person, upon any public street, alley, or other public
23 lands within the corporate limits of a city, village, or
24 incorporated town, except when an invitee thereon or
25 therein, for the purpose of the display of such weapon or
26 the lawful commerce in weapons, or except when on his land

1 or in his or her own abode, legal dwelling, or fixed place
2 of business, or on the land or in the legal dwelling of
3 another person as an invitee with that person's
4 permission, any pistol, revolver, stun gun, or taser or
5 other firearm, except that this subsection (a)(10) does
6 not apply to or affect transportation of weapons that meet
7 one of the following conditions:

8 (i) are broken down in a non-functioning state; or

9 (ii) are not immediately accessible; or

10 (iii) are unloaded and enclosed in a case, firearm
11 carrying box, shipping box, or other container by a
12 person who has been issued a currently valid Firearm
13 Owner's Identification Card; or

14 (iv) are carried or possessed in accordance with
15 the Firearm Concealed Carry Act by a person who has
16 been issued a currently valid license under the
17 Firearm Concealed Carry Act.

18 A "stun gun or taser", as used in this paragraph (a)
19 means (i) any device which is powered by electrical
20 charging units, such as, batteries, and which fires one or
21 several barbs attached to a length of wire and which, upon
22 hitting a human, can send out a current capable of
23 disrupting the person's nervous system in such a manner as
24 to render him incapable of normal functioning or (ii) any
25 device which is powered by electrical charging units, such
26 as batteries, and which, upon contact with a human or

1 clothing worn by a human, can send out current capable of
2 disrupting the person's nervous system in such a manner as
3 to render him incapable of normal functioning; or

4 (11) Sells, manufactures, delivers, imports,
5 possesses, or purchases any assault weapon attachment or
6 .50 caliber cartridge in violation of Section 24-1.9 or
7 any explosive bullet. For purposes of this paragraph (a)
8 "explosive bullet" means the projectile portion of an
9 ammunition cartridge which contains or carries an
10 explosive charge which will explode upon contact with the
11 flesh of a human or an animal. "Cartridge" means a tubular
12 metal case having a projectile affixed at the front
13 thereof and a cap or primer at the rear end thereof, with
14 the propellant contained in such tube between the
15 projectile and the cap; or

16 (12) (Blank); or

17 (13) Carries or possesses on or about his or her
18 person while in a building occupied by a unit of
19 government, a billy club, other weapon of like character,
20 or other instrument of like character intended for use as
21 a weapon. For the purposes of this Section, "billy club"
22 means a short stick or club commonly carried by police
23 officers which is either telescopic or constructed of a
24 solid piece of wood or other man-made material; or

25 (14) Manufactures, possesses, sells, or offers to
26 sell, purchase, manufacture, import, transfer, or use any

1 device, part, kit, tool, accessory, or combination of
2 parts that is designed to and functions to increase the
3 rate of fire of a semiautomatic firearm above the standard
4 rate of fire for semiautomatic firearms that is not
5 equipped with that device, part, or combination of parts;
6 or

7 (15) Carries or possesses any assault weapon or .50
8 caliber rifle in violation of Section 24-1.9; or

9 (16) Manufactures, sells, delivers, imports, or
10 purchases any assault weapon or .50 caliber rifle in
11 violation of Section 24-1.9.

12 (b) Sentence. A person convicted of a violation of
13 subsection 24-1(a)(1) through (5), subsection 24-1(a)(10),
14 subsection 24-1(a)(11), subsection 24-1(a)(13), or 24-1(a)(15)
15 commits a Class A misdemeanor. A person convicted of a
16 violation of subsection 24-1(a)(8) or 24-1(a)(9) commits a
17 Class 4 felony; a person convicted of a violation of
18 subsection 24-1(a)(6), 24-1(a)(7)(ii), 24-1(a)(7)(iii), or
19 24-1(a)(16) commits a Class 3 felony. A person convicted of a
20 violation of subsection 24-1(a)(7)(i) or 24-1(a)(7)(ii-5)
21 commits a Class 2 felony and shall be sentenced to a term of
22 imprisonment of not less than 3 years and not more than 7
23 years, unless the weapon is possessed in the passenger
24 compartment of a motor vehicle as defined in Section 1-146 of
25 the Illinois Vehicle Code, or on the person, while the weapon
26 is loaded, in which case it shall be a Class X felony. A person

1 convicted of a second or subsequent violation of subsection
2 24-1(a)(4), 24-1(a)(8), 24-1(a)(9), 24-1(a)(10), or
3 24-1(a)(15) commits a Class 3 felony. A person convicted of a
4 violation of subsection 24-1(a)(2.5) or 24-1(a)(14) commits a
5 Class 2 felony. The possession of each weapon or device in
6 violation of this Section constitutes a single and separate
7 violation.

8 (c) Violations in specific places.

9 (1) A person who violates subsection 24-1(a)(6) or
10 24-1(a)(7) in any school, regardless of the time of day or
11 the time of year, in residential property owned, operated
12 or managed by a public housing agency or leased by a public
13 housing agency as part of a scattered site or mixed-income
14 development, in a public park, in a courthouse, on the
15 real property comprising any school, regardless of the
16 time of day or the time of year, on residential property
17 owned, operated or managed by a public housing agency or
18 leased by a public housing agency as part of a scattered
19 site or mixed-income development, on the real property
20 comprising any public park, on the real property
21 comprising any courthouse, in any conveyance owned, leased
22 or contracted by a school to transport students to or from
23 school or a school related activity, in any conveyance
24 owned, leased, or contracted by a public transportation
25 agency, or on any public way within 1,000 feet of the real
26 property comprising any school, public park, courthouse,

1 public transportation facility, or residential property
2 owned, operated, or managed by a public housing agency or
3 leased by a public housing agency as part of a scattered
4 site or mixed-income development commits a Class 2 felony
5 and shall be sentenced to a term of imprisonment of not
6 less than 3 years and not more than 7 years.

7 (1.5) A person who violates subsection 24-1(a)(4),
8 24-1(a)(9), or 24-1(a)(10) in any school, regardless of
9 the time of day or the time of year, in residential
10 property owned, operated, or managed by a public housing
11 agency or leased by a public housing agency as part of a
12 scattered site or mixed-income development, in a public
13 park, in a courthouse, on the real property comprising any
14 school, regardless of the time of day or the time of year,
15 on residential property owned, operated, or managed by a
16 public housing agency or leased by a public housing agency
17 as part of a scattered site or mixed-income development,
18 on the real property comprising any public park, on the
19 real property comprising any courthouse, in any conveyance
20 owned, leased, or contracted by a school to transport
21 students to or from school or a school related activity,
22 in any conveyance owned, leased, or contracted by a public
23 transportation agency, or on any public way within 1,000
24 feet of the real property comprising any school, public
25 park, courthouse, public transportation facility, or
26 residential property owned, operated, or managed by a

1 public housing agency or leased by a public housing agency
2 as part of a scattered site or mixed-income development
3 commits a Class 3 felony.

4 (2) A person who violates subsection 24-1(a)(1),
5 24-1(a)(2), or 24-1(a)(3) in any school, regardless of the
6 time of day or the time of year, in residential property
7 owned, operated or managed by a public housing agency or
8 leased by a public housing agency as part of a scattered
9 site or mixed-income development, in a public park, in a
10 courthouse, on the real property comprising any school,
11 regardless of the time of day or the time of year, on
12 residential property owned, operated or managed by a
13 public housing agency or leased by a public housing agency
14 as part of a scattered site or mixed-income development,
15 on the real property comprising any public park, on the
16 real property comprising any courthouse, in any conveyance
17 owned, leased or contracted by a school to transport
18 students to or from school or a school related activity,
19 in any conveyance owned, leased, or contracted by a public
20 transportation agency, or on any public way within 1,000
21 feet of the real property comprising any school, public
22 park, courthouse, public transportation facility, or
23 residential property owned, operated, or managed by a
24 public housing agency or leased by a public housing agency
25 as part of a scattered site or mixed-income development
26 commits a Class 4 felony. "Courthouse" means any building

1 that is used by the Circuit, Appellate, or Supreme Court
2 of this State for the conduct of official business.

3 (3) Paragraphs (1), (1.5), and (2) of this subsection
4 (c) shall not apply to law enforcement officers or
5 security officers of such school, college, or university
6 or to students carrying or possessing firearms for use in
7 training courses, parades, hunting, target shooting on
8 school ranges, or otherwise with the consent of school
9 authorities and which firearms are transported unloaded
10 enclosed in a suitable case, box, or transportation
11 package.

12 (4) For the purposes of this subsection (c), "school"
13 means any public or private elementary or secondary
14 school, community college, college, or university.

15 (5) For the purposes of this subsection (c), "public
16 transportation agency" means a public or private agency
17 that provides for the transportation or conveyance of
18 persons by means available to the general public, except
19 for transportation by automobiles not used for conveyance
20 of the general public as passengers; and "public
21 transportation facility" means a terminal or other place
22 where one may obtain public transportation.

23 (d) The presence in an automobile other than a public
24 omnibus of any weapon, instrument or substance referred to in
25 subsection (a)(7) is prima facie evidence that it is in the
26 possession of, and is being carried by, all persons occupying

1 such automobile at the time such weapon, instrument or
2 substance is found, except under the following circumstances:
3 (i) if such weapon, instrument or instrumentality is found
4 upon the person of one of the occupants therein; or (ii) if
5 such weapon, instrument or substance is found in an automobile
6 operated for hire by a duly licensed driver in the due, lawful
7 and proper pursuit of his or her trade, then such presumption
8 shall not apply to the driver.

9 (e) Exemptions.

10 (1) Crossbows, Common or Compound bows and Underwater
11 Spearguns are exempted from the definition of ballistic
12 knife as defined in paragraph (1) of subsection (a) of
13 this Section.

14 (2) The provision of paragraph (1) of subsection (a)
15 of this Section prohibiting the sale, manufacture,
16 purchase, possession, or carrying of any knife, commonly
17 referred to as a switchblade knife, which has a blade that
18 opens automatically by hand pressure applied to a button,
19 spring or other device in the handle of the knife, does not
20 apply to a person who possesses a currently valid Firearm
21 Owner's Identification Card previously issued in his or
22 her name by the Illinois State Police or to a person or an
23 entity engaged in the business of selling or manufacturing
24 switchblade knives.

25 (Source: P.A. 102-538, eff. 8-20-21; 102-1116, eff. 1-10-23;
26 103-822, eff. 1-1-25.)

1 (720 ILCS 5/24-1.6)

2 Sec. 24-1.6. Aggravated unlawful possession of a weapon.

3 (a) A person commits the offense of aggravated unlawful
4 possession of a weapon when he or she knowingly:

5 (1) Carries on or about his or her person or in any
6 vehicle or concealed on or about his or her person except
7 when on his or her land or in his or her abode, legal
8 dwelling, or fixed place of business, or on the land or in
9 the legal dwelling of another person as an invitee with
10 that person's permission, any pistol, revolver, stun gun
11 or taser or other firearm; or

12 (2) Carries or possesses on or about his or her
13 person, upon any public street, alley, or other public
14 lands within the corporate limits of a city, village or
15 incorporated town, except when an invitee thereon or
16 therein, for the purpose of the display of such weapon or
17 the lawful commerce in weapons, or except when on his or
18 her own land or in his or her own abode, legal dwelling, or
19 fixed place of business, or on the land or in the legal
20 dwelling of another person as an invitee with that
21 person's permission, any pistol, revolver, stun gun or
22 taser or other firearm; and

23 (3) One of the following factors is present:

24 (A) the firearm, other than a pistol, revolver, or
25 handgun, possessed was uncased, loaded, and

immediately accessible at the time of the offense; or
(A-5) the pistol, revolver, or handgun possessed
was uncased, loaded, and immediately accessible at the
time of the offense and the person possessing the
pistol, revolver, or handgun has not been issued a
currently valid license under the Firearm Concealed
Carry Act; or

(B) the firearm, other than a pistol, revolver, or handgun, possessed was uncased, unloaded, and the ammunition for the weapon was immediately accessible at the time of the offense; or

(B-5) the pistol, revolver, or handgun possessed was uncased, unloaded, and the ammunition for the weapon was immediately accessible at the time of the offense and the person possessing the pistol, revolver, or handgun has not been issued a currently valid license under the Firearm Concealed Carry Act; or

(C) the person possessing the firearm has not been issued a currently valid Firearm Owner's Identification Card; or

(D) the person possessing the weapon was previously adjudicated a delinquent minor under the Juvenile Court Act of 1987 for an act that if committed by an adult would be a felony; or

(E) the person possessing the weapon was engaged

1 in a misdemeanor violation of the Cannabis Control
2 Act, in a misdemeanor violation of the Illinois
3 Controlled Substances Act, or in a misdemeanor
4 violation of the Methamphetamine Control and Community
5 Protection Act; or

6 (F) (blank); or

7 (G) the person possessing the weapon had an order
8 of protection issued against him or her within the
9 previous 2 years; or

10 (H) the person possessing the weapon was engaged
11 in the commission or attempted commission of a
12 misdemeanor involving the use or threat of violence
13 against the person or property of another; or

14 (I) the person possessing the weapon was under 21
15 years of age and in possession of a handgun, unless the
16 person under 21 is engaged in lawful activities under
17 the Wildlife Code or described in subsection
18 24-2(b) (1), (b) (3), or 24-2(f).

19 (a-5) "Handgun" as used in this Section has the meaning
20 given to it in Section 5 of the Firearm Concealed Carry Act.

21 (b) "Stun gun or taser" as used in this Section has the
22 same definition given to it in Section 24-1 of this Code.

23 (c) This Section does not apply to or affect the
24 transportation or possession of weapons that:

25 (i) are broken down in a non-functioning state; or
26 (ii) are not immediately accessible; or

(iii) are unloaded and enclosed in a case, firearm carrying box, shipping box, or other container by a person who has been issued a currently valid Firearm Owner's Identification Card.

(d) Sentence.

(1) Aggravated unlawful possession of a weapon is a Class 4 felony; a second or subsequent offense is a Class 2 felony for which the person shall be sentenced to a term of imprisonment of not less than 3 years and not more than 7 years, except as provided for in Section 5-4.5-110 of the Unified Code of Corrections.

(2) Except as otherwise provided in paragraphs (3) and (4) of this subsection (d), a first offense of aggravated unlawful possession of a weapon committed with a firearm by a person 18 years of age or older where the factors listed in both items (A) and (C) or both items (A-5) and (C) of paragraph (3) of subsection (a) are present is a Class 4 felony, for which the person shall be sentenced to a term of imprisonment of not less than one year and not more than 3 years.

(3) Aggravated unlawful possession of a weapon by a person who has been previously convicted of a felony in this State or another jurisdiction is a Class 2 felony for which the person shall be sentenced to a term of imprisonment of not less than 3 years and not more than 7 years, except as provided for in Section 5-4.5-110 of the

1 Unified Code of Corrections.

2 (4) Aggravated unlawful possession of a weapon while
3 wearing or in possession of body armor as defined in
4 Section 33F-1 by a person who has not been issued a valid
5 Firearms Owner's Identification Card in accordance with
6 Section 5 of the Firearm Owners Identification Card Act is
7 a Class X felony.

8 (5) Aggravated unlawful possession of a weapon while
9 carrying or possessing a weapon that has been modified or
10 equipped with a forced reset trigger, including an
11 auto-switch or binary switch, or high-capacity magazine,
12 is a Class X felony. In this paragraph, "forced reset
13 trigger" and "high-capacity magazine" have the meanings
14 ascribed to them in subparagraphs (i) and (ii-5) of
15 paragraph (7) of subsection (a) of Section 24-1,
16 respectively.

17 (e) The possession of each firearm in violation of this
18 Section constitutes a single and separate violation.

19 (Source: P.A. 103-822, eff. 1-1-25.)

20 (720 ILCS 5/24-2)

21 Sec. 24-2. Exemptions.

22 (a) Subsections 24-1(a)(3), 24-1(a)(4), 24-1(a)(10), and
23 24-1(a)(13) and Section 24-1.6 do not apply to or affect any of
24 the following:

25 (1) Peace officers, and any person summoned by a peace

1 officer to assist in making arrests or preserving the
2 peace, while actually engaged in assisting such officer.

3 (2) Wardens, superintendents, and keepers of prisons,
4 penitentiaries, jails, and other institutions for the
5 detention of persons accused or convicted of an offense,
6 while in the performance of their official duty, or while
7 commuting between their homes and places of employment.

8 (3) Members of the Armed Services or Reserve Forces of
9 the United States or the Illinois National Guard or the
10 Reserve Officers Training Corps, while in the performance
11 of their official duty.

12 (4) Special agents employed by a railroad or a public
13 utility to perform police functions, and guards of armored
14 car companies, while actually engaged in the performance
15 of the duties of their employment or commuting between
16 their homes and places of employment; and watchmen while
17 actually engaged in the performance of the duties of their
18 employment.

19 (5) Persons licensed as private security contractors,
20 private detectives, or private alarm contractors, or
21 employed by a private security contractor, private
22 detective, or private alarm contractor agency licensed by
23 the Department of Financial and Professional Regulation,
24 if their duties include the carrying of a weapon under the
25 provisions of the Private Detective, Private Alarm,
26 Private Security, Fingerprint Vendor, and Locksmith Act of

1 2004, while actually engaged in the performance of the
2 duties of their employment or commuting between their
3 homes and places of employment. A person shall be
4 considered eligible for this exemption if he or she has
5 completed the required 20 hours of training for a private
6 security contractor, private detective, or private alarm
7 contractor, or employee of a licensed private security
8 contractor, private detective, or private alarm contractor
9 agency and 28 hours of required firearm training, and has
10 been issued a firearm control card by the Department of
11 Financial and Professional Regulation. Conditions for the
12 renewal of firearm control cards issued under the
13 provisions of this Section shall be the same as for those
14 cards issued under the provisions of the Private
15 Detective, Private Alarm, Private Security, Fingerprint
16 Vendor, and Locksmith Act of 2004. The firearm control
17 card shall be carried by the private security contractor,
18 private detective, or private alarm contractor, or
19 employee of the licensed private security contractor,
20 private detective, or private alarm contractor agency at
21 all times when he or she is in possession of a concealable
22 weapon permitted by his or her firearm control card.

23 (6) Any person regularly employed in a commercial or
24 industrial operation as a security guard for the
25 protection of persons employed and private property
26 related to such commercial or industrial operation, while

1 actually engaged in the performance of his or her duty or
2 traveling between sites or properties belonging to the
3 employer, and who, as a security guard, is a member of a
4 security force registered with the Department of Financial
5 and Professional Regulation; provided that such security
6 guard has successfully completed a course of study,
7 approved by and supervised by the Department of Financial
8 and Professional Regulation, consisting of not less than
9 48 hours of training that includes the theory of law
10 enforcement, liability for acts, and the handling of
11 weapons. A person shall be considered eligible for this
12 exemption if he or she has completed the required 20 hours
13 of training for a security officer and 28 hours of
14 required firearm training, and has been issued a firearm
15 control card by the Department of Financial and
16 Professional Regulation. Conditions for the renewal of
17 firearm control cards issued under the provisions of this
18 Section shall be the same as for those cards issued under
19 the provisions of the Private Detective, Private Alarm,
20 Private Security, Fingerprint Vendor, and Locksmith Act of
21 2004. The firearm control card shall be carried by the
22 security guard at all times when he or she is in possession
23 of a concealable weapon permitted by his or her firearm
24 control card.

25 (7) Agents and investigators of the Illinois
26 Legislative Investigating Commission authorized by the

1 Commission to carry the weapons specified in subsections
2 24-1(a)(3) and 24-1(a)(4), while on duty in the course of
3 any investigation for the Commission.

4 (8) Persons employed by a financial institution as a
5 security guard for the protection of other employees and
6 property related to such financial institution, while
7 actually engaged in the performance of their duties,
8 commuting between their homes and places of employment, or
9 traveling between sites or properties owned or operated by
10 such financial institution, and who, as a security guard,
11 is a member of a security force registered with the
12 Department; provided that any person so employed has
13 successfully completed a course of study, approved by and
14 supervised by the Department of Financial and Professional
15 Regulation, consisting of not less than 48 hours of
16 training which includes theory of law enforcement,
17 liability for acts, and the handling of weapons. A person
18 shall be considered to be eligible for this exemption if
19 he or she has completed the required 20 hours of training
20 for a security officer and 28 hours of required firearm
21 training, and has been issued a firearm control card by
22 the Department of Financial and Professional Regulation.
23 Conditions for renewal of firearm control cards issued
24 under the provisions of this Section shall be the same as
25 for those issued under the provisions of the Private
26 Detective, Private Alarm, Private Security, Fingerprint

1 Vendor, and Locksmith Act of 2004. The firearm control
2 card shall be carried by the security guard at all times
3 when he or she is in possession of a concealable weapon
4 permitted by his or her firearm control card. For purposes
5 of this subsection, "financial institution" means a bank,
6 savings and loan association, credit union, or company
7 providing armored car services.

8 (9) Any person employed by an armored car company to
9 drive an armored car, while actually engaged in the
10 performance of his duties.

11 (10) Persons who have been classified as peace
12 officers pursuant to the Peace Officer Fire Investigation
13 Act.

14 (11) Investigators of the Office of the State's
15 Attorneys Appellate Prosecutor authorized by the board of
16 governors of the Office of the State's Attorneys Appellate
17 Prosecutor to carry weapons pursuant to Section 7.06 of
18 the State's Attorneys Appellate Prosecutor's Act.

19 (12) Special investigators appointed by a State's
20 Attorney under Section 3-9005 of the Counties Code.

21 (12.5) Probation officers while in the performance of
22 their duties, or while commuting between their homes,
23 places of employment or specific locations that are part
24 of their assigned duties, with the consent of the chief
25 judge of the circuit for which they are employed, if they
26 have received weapons training according to requirements

1 of the Peace Officer and Probation Officer Firearm
2 Training Act.

3 (13) Court security officers ~~Security Officers~~ while
4 in the performance of their official duties, or while
5 commuting between their homes and places of employment,
6 with the consent of the sheriff ~~Sheriff~~.

7 (13.5) A person employed as an armed security guard at
8 a nuclear energy, storage, weapons, or development site or
9 facility regulated by the Nuclear Regulatory Commission
10 who has completed the background screening and training
11 mandated by the rules and regulations of the Nuclear
12 Regulatory Commission.

13 (14) Manufacture, transportation, or sale of weapons
14 to persons authorized under subdivisions (1) through
15 (13.5) of this subsection to possess those weapons.

16 (a-5) Subsections 24-1(a)(4) and 24-1(a)(10) do not apply
17 to or affect any person carrying a concealed pistol, revolver,
18 or handgun and the person has been issued a currently valid
19 license under the Firearm Concealed Carry Act at the time of
20 the commission of the offense.

21 (a-6) Subsections 24-1(a)(4) and 24-1(a)(10) do not apply
22 to or affect a qualified current or retired law enforcement
23 officer or a current or retired deputy, county correctional
24 officer, or correctional officer of the Department of
25 Corrections qualified under the laws of this State or under
26 the federal Law Enforcement Officers Safety Act.

(b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section 24-1.6 do not apply to or affect any of the following:

(1) Members of any club or organization organized for the purpose of practicing shooting at targets upon established target ranges, whether public or private, and patrons of such ranges, while such members or patrons are using their firearms on those target ranges.

(2) Duly authorized military or civil organizations while parading, with the special permission of the Governor.

(3) Hunters, trappers, or fishermen while engaged in lawful hunting, trapping, or fishing under the provisions of the Wildlife Code or the Fish and Aquatic Life Code.

(4) Transportation of weapons that are broken down in a non-functioning state or are not immediately accessible.

(5) Carrying or possessing any pistol, revolver, stun gun or taser or other firearm on the land or in the legal dwelling of another person as an invitee with that person's permission.

(c) Subsections Subsection 24-1(a)(7)(i), (ii), (ii-5), and (iii) do ~~does~~ not apply to or affect any of the following:

(1) Peace officers while in performance of their official duties.

(2) Wardens, superintendents, and keepers of prisons, penitentiaries, jails, and other institutions for the detention of persons accused or convicted of an offense.

(3) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard, while in the performance of their official duty.

(4) Manufacture, transportation, or sale of machine guns to persons authorized under subdivisions (1) through (3) of this subsection to possess machine guns, if the machine guns are broken down in a non-functioning state or are not immediately accessible.

(5) Persons licensed under federal law to manufacture any weapon from which 8 or more shots or bullets can be discharged by a single function of the firing device, or ammunition for such weapons, and actually engaged in the business of manufacturing such weapons or ammunition, but only with respect to activities which are within the lawful scope of such business, such as the manufacture, transportation, or testing of such weapons or ammunition. This exemption does not authorize the general private possession of any weapon from which 8 or more shots or bullets can be discharged by a single function of the firing device, but only such possession and activities as are within the lawful scope of a licensed manufacturing business described in this paragraph.

During transportation, such weapons shall be broken down in a non-functioning state or not immediately accessible.

(6) The manufacture, transport, testing, delivery,

1 transferL or sale, and all lawful commercial or
2 experimental activities necessary thereto, of rifles,
3 shotguns, and weapons made from rifles or shotguns, or
4 ammunition for such rifles, shotgunsL or weapons, where
5 engaged in by a person operating as a contractor or
6 subcontractor pursuant to a contract or subcontract for
7 the development and supply of such rifles, shotguns,
8 weaponsL or ammunition to the United States government or
9 any branch of the Armed Forces of the United States, when
10 such activities are necessary and incident to fulfilling
11 the terms of such contract.

12 The exemption granted under this subdivision (c)(6)
13 shall also apply to any authorized agent of any such
14 contractor or subcontractor who is operating within the
15 scope of his employment, where such activities involving
16 such weapon, weaponsL or ammunition are necessary and
17 incident to fulfilling the terms of such contract.

18 (7) A person possessing a rifle with a barrel or
19 barrels less than 16 inches in length if: (A) the person
20 has been issued a Curios and Relics license from the U.S.
21 Bureau of Alcohol, Tobacco, Firearms and Explosives; or
22 (B) the person is an active member of a bona fide,
23 nationally recognized military re-enacting group and the
24 modification is required and necessary to accurately
25 portray the weapon for historical re-enactment purposes;
26 the re-enactor is in possession of a valid and current

1 re-enacting group membership credential; and the overall
2 length of the weapon as modified is not less than 26
3 inches.

4 (d) Subsection 24-1(a)(1) does not apply to the purchase,
5 possession or carrying of a black-jack or slung-shot by a
6 peace officer.

7 (e) Subsection 24-1(a)(8) does not apply to any owner,
8 manager, or authorized employee of any place specified in that
9 subsection nor to any law enforcement officer.

10 (f) Subsection 24-1(a)(4) and subsection 24-1(a)(10) and
11 Section 24-1.6 do not apply to members of any club or
12 organization organized for the purpose of practicing shooting
13 at targets upon established target ranges, whether public or
14 private, while using their firearms on those target ranges.

15 (g) Subsections 24-1(a)(11) and 24-3.1(a)(6) do not apply
16 to:

17 (1) Members of the Armed Services or Reserve Forces of
18 the United States or the Illinois National Guard, while in
19 the performance of their official duty.

20 (2) Bonafide collectors of antique or surplus military
21 ordnance.

22 (3) Laboratories having a department of forensic
23 ballistics, or specializing in the development of
24 ammunition or explosive ordnance.

25 (4) Commerce, preparation, assembly, or possession of
26 explosive bullets by manufacturers of ammunition licensed

1 by the federal government, in connection with the supply
2 of those organizations and persons exempted by subdivision
3 (g) (1) of this Section, or like organizations and persons
4 outside this State, or the transportation of explosive
5 bullets to any organization or person exempted in this
6 Section by a common carrier or by a vehicle owned or leased
7 by an exempted manufacturer.

8 (g-5) Subsection 24-1(a)(6) does not apply to or affect
9 persons licensed under federal law to manufacture any device
10 or attachment of any kind designed, used, or intended for use
11 in silencing the report of any firearm, firearms, or
12 ammunition for those firearms equipped with those devices, and
13 actually engaged in the business of manufacturing those
14 devices, firearms, or ammunition, but only with respect to
15 activities that are within the lawful scope of that business,
16 such as the manufacture, transportation, or testing of those
17 devices, firearms, or ammunition. This exemption does not
18 authorize the general private possession of any device or
19 attachment of any kind designed, used, or intended for use in
20 silencing the report of any firearm, but only such possession
21 and activities as are within the lawful scope of a licensed
22 manufacturing business described in this subsection (g-5).
23 During transportation, these devices shall be detached from
24 any weapon or not immediately accessible.

25 (g-6) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
26 24-1.6 do not apply to or affect any parole agent or parole

1 supervisor who meets the qualifications and conditions
2 prescribed in Section 3-14-1.5 of the Unified Code of
3 Corrections.

4 (g-7) Subsection 24-1(a)(6) does not apply to a peace
5 officer while serving as a member of a tactical response team
6 or special operations team. A peace officer may not personally
7 own or apply for ownership of a device or attachment of any
8 kind designed, used, or intended for use in silencing the
9 report of any firearm. These devices shall be owned and
10 maintained by lawfully recognized units of government whose
11 duties include the investigation of criminal acts.

12 (g-10) (Blank).

13 (h) An information or indictment based upon a violation of
14 any subsection of this Article need not negate ~~negative~~ any
15 exemptions contained in this Article. The defendant shall have
16 the burden of proving such an exemption.

17 (i) Nothing in this Article shall prohibit, apply to, or
18 affect the transportation, carrying, or possession~~s~~ of any
19 pistol or revolver, stun gun, taser, or other firearm
20 consigned to a common carrier operating under license of the
21 State of Illinois or the federal government, where such
22 transportation, carrying, or possession is incident to the
23 lawful transportation in which such common carrier is engaged;
24 and nothing in this Article shall prohibit, apply to, or
25 affect the transportation, carrying, or possession of any
26 pistol, revolver, stun gun, taser, or other firearm, not the

1 subject of and regulated by subsection 24-1(a)(7) or
2 subsection 24-2(c) of this Article, which is unloaded and
3 enclosed in a case, firearm carrying box, shipping box, or
4 other container, by the possessor of a valid Firearm Owners
5 Identification Card.

6 (Source: P.A. 102-152, eff. 1-1-22; 102-779, eff. 1-1-23;
7 102-837, eff. 5-13-22; 103-154, eff. 6-30-23; revised
8 7-22-24.)

9 (720 ILCS 5/24-5.1)

10 Sec. 24-5.1. Serialization of unfinished frames or
11 receivers; prohibition on unserialized firearms; exceptions;
12 penalties.

13 (a) In this Section:

14 "Bona fide supplier" means an established business entity
15 engaged in the development and sale of firearms parts to one or
16 more federal firearms manufacturers or federal firearms
17 importers.

18 "Federal firearms dealer" means a licensed manufacturer
19 pursuant to 18 U.S.C. 921(a)(11).

20 "Federal firearms importer" means a licensed importer
21 pursuant to 18 U.S.C. 921(a)(9).

22 "Federal firearms manufacturer" means a licensed
23 manufacturer pursuant to 18 U.S.C. 921(a)(10).

24 "Frame or receiver" means a part of a firearm that, when
25 the complete weapon is assembled, is visible from the exterior

1 and provides housing or a structure designed to hold or
2 integrate one or more fire control components, even if pins or
3 other attachments are required to connect those components to
4 the housing or structure. For models of firearms in which
5 multiple parts provide such housing or structure, the part or
6 parts that the Director of the federal Bureau of Alcohol,
7 Tobacco, Firearms and Explosives has determined are a frame or
8 receiver constitute the frame or receiver. For purposes of
9 this definition, "fire control component" means a component
10 necessary for the firearm to initiate, complete, or continue
11 the firing sequence, including any of the following: hammer,
12 bolt, bolt carrier, breechblock, cylinder, trigger mechanism,
13 firing pin, striker, or slide rails.

14 "Security exemplar" means an object to be fabricated at
15 the direction of the United States Attorney General that is
16 (1) constructed of 3.7 ounces of material type 17-4 PH
17 stainless steel in a shape resembling a handgun and (2)
18 suitable for testing and calibrating metal detectors.

19 "Three-dimensional printer" means a computer or
20 computer-drive machine capable of producing a
21 three-dimensional object from a digital model.

22 "Undetectable firearm" means (1) a firearm constructed
23 entirely of non-metal substances; (2) a firearm that, after
24 removal of all parts but the major components of the firearm,
25 is not detectable by walk-through metal detectors calibrated
26 and operated to detect the security exemplar; or (3) a firearm

1 that includes a major component of a firearm, which, if
2 subject to the types of detection devices commonly used at
3 airports for security screening, would not generate an image
4 that accurately depicts the shape of the component.
5 "Undetectable firearm" does not include a firearm subject to
6 the provisions of 18 U.S.C. 922(p)(3) through (6).

7 "Unfinished frame or receiver" means any forging, casting,
8 printing, extrusion, machined body, or similar article that:

9 (1) has reached a stage in manufacture where it may
10 readily be completed, assembled, or converted to be a
11 functional firearm; or

12 (2) is marketed or sold to the public to become or be
13 used as the frame or receiver of a functional firearm once
14 completed, assembled, or converted.

15 "Unserialized" means lacking a serial number imprinted by:

16 (1) a federal firearms manufacturer, federal firearms
17 importer, federal firearms dealer, or other federal
18 licensee authorized to provide marking services, pursuant
19 to a requirement under federal law; or

20 (2) a federal firearms dealer or other federal
21 licensee authorized to provide marking services pursuant
22 to subsection (f) of this Section.

23 (b) It is unlawful for any person to knowingly sell, offer
24 to sell, or transfer an unserialized unfinished frame or
25 receiver or unserialized firearm, including those produced
26 using a three-dimensional printer, unless the party purchasing

1 or receiving the unfinished frame or receiver or unserialized
2 firearm is a federal firearms importer, federal firearms
3 manufacturer, or federal firearms dealer.

4 (c) Beginning 180 days after May 18, 2022 (the effective
5 date of Public Act 102-889), it is unlawful for any person to
6 knowingly possess, transport, or receive an unfinished frame
7 or receiver, unless:

8 (1) the party possessing or receiving the unfinished
9 frame or receiver is a federal firearms importer or
10 federal firearms manufacturer;

11 (2) the unfinished frame or receiver is possessed or
12 transported by a person for transfer to a federal firearms
13 importer or federal firearms manufacturer; or

14 (3) the unfinished frame or receiver has been
15 imprinted with a serial number issued by a federal
16 firearms importer or federal firearms manufacturer in
17 compliance with subsection (f) of this Section.

18 (d) Beginning 180 days after May 18, 2022 (the effective
19 date of Public Act 102-889), unless the party receiving the
20 firearm is a federal firearms importer or federal firearms
21 manufacturer, it is unlawful for any person to knowingly
22 possess, purchase, transport, or receive a firearm that is not
23 imprinted with a serial number by (1) a federal firearms
24 importer or federal firearms manufacturer in compliance with
25 all federal laws and regulations regulating the manufacture
26 and import of firearms or (2) a federal firearms manufacturer,

1 federal firearms dealer, or other federal licensee authorized
2 to provide marking services in compliance with the
3 unserialized firearm serialization process under subsection
4 (f) of this Section.

5 (e) Any firearm or unfinished frame or receiver
6 manufactured using a three-dimensional printer must also be
7 serialized in accordance with the requirements of subsection
8 (f) within 30 days after May 18, 2022 (the effective date of
9 Public Act 102-889), or prior to reaching a stage of
10 manufacture where it may be readily completed, assembled, or
11 converted to be a functional firearm.

12 (f) Unserialized unfinished frames or receivers and
13 unserialized firearms serialized pursuant to this Section
14 shall be serialized in compliance with all of the following:

15 (1) An unserialized unfinished frame or receiver and
16 unserialized firearm shall be serialized by a federally
17 licensed firearms dealer or other federal licensee
18 authorized to provide marking services with the licensee's
19 abbreviated federal firearms license number as a prefix
20 (which is the first 3 and last 5 digits) followed by a
21 hyphen, and then followed by a number as a suffix, such as
22 12345678-(number). The serial number or numbers must be
23 placed in a manner that accords with the requirements
24 under federal law for affixing serial numbers to firearms,
25 including the requirements that the serial number or
26 numbers be at the minimum size and depth, and not

1 susceptible to being readily obliterated, altered, or
2 removed, and the licensee must retain records that accord
3 with the requirements under federal law in the case of the
4 sale of a firearm. The imprinting of any serial number
5 upon an undetectable firearm must be done on a steel
6 plaque in compliance with 18 U.S.C. 922(p).

7 (2) Every federally licensed firearms dealer or other
8 federal licensee that engraves, casts, stamps, or
9 otherwise conspicuously and permanently places a unique
10 serial number pursuant to this Section shall maintain a
11 record of such indefinitely. Licensees subject to the
12 Firearm Dealer License Certification Act shall make all
13 records accessible for inspection upon the request of the
14 Illinois State Police or a law enforcement agency in
15 accordance with Section 5-35 of the Firearm Dealer License
16 Certification Act.

17 (3) Every federally licensed firearms dealer or other
18 federal licensee that engraves, casts, stamps, or
19 otherwise conspicuously and permanently places a unique
20 serial number pursuant to this Section shall record it at
21 the time of every transaction involving the transfer of a
22 firearm, rifle, shotgun, finished frame or receiver, or
23 unfinished frame or receiver that has been so marked in
24 compliance with the federal guidelines set forth in 27 CFR
25 478.124.

26 (4) Every federally licensed firearms dealer or other

1 federal licensee that engraves, casts, stamps, or
2 otherwise conspicuously and permanently places a unique
3 serial number pursuant to this Section shall review and
4 confirm the validity of the owner's Firearm Owner's
5 Identification Card issued under the Firearm Owners
6 Identification Card Act prior to returning the firearm to
7 the owner.

8 (g) Within 30 days after May 18, 2022 (the effective date
9 of Public Act 102-889), the Director of the Illinois State
10 Police shall issue a public notice regarding the provisions of
11 this Section. The notice shall include posting on the Illinois
12 State Police website and may include written notification or
13 any other means of communication statewide to all
14 Illinois-based federal firearms manufacturers, federal
15 firearms dealers, or other federal licensees authorized to
16 provide marking services in compliance with the serialization
17 process in subsection (f) in order to educate the public.

18 (h) Exceptions. This Section does not apply to an
19 unserialized unfinished frame or receiver or an unserialized
20 firearm that:

- 21 (1) has been rendered permanently inoperable;
- 22 (2) is an antique firearm, as defined in 18 U.S.C.
23 921(a)(16);
- 24 (3) was manufactured prior to October 22, 1968;
- 25 (4) is an unfinished frame or receiver and is
26 possessed by a bona fide supplier exclusively for transfer

1 to a federal firearms manufacturer or federal firearms
2 importer, or is possessed by a federal firearms
3 manufacturer or federal firearms importer in compliance
4 with all federal laws and regulations regulating the
5 manufacture and import of firearms; except this exemption
6 does not apply if an unfinished frame or receiver is
7 possessed for transfer or is transferred to a person other
8 than a federal firearms manufacturer or federal firearms
9 importer; or

10 (5) is possessed by a person who received the
11 unserialized unfinished frame or receiver or unserialized
12 firearm through inheritance, and is not otherwise
13 prohibited from possessing the unserialized unfinished
14 frame or receiver or unserialized firearm, for a period
15 not exceeding 30 days after inheriting the unserialized
16 unfinished frame or receiver or unserialized firearm.

17 (i) Penalties.

18 (1) A person who violates subsection (c) or (d) is
19 guilty of a Class A misdemeanor for a first violation and
20 is guilty of a Class 3 felony for a second or subsequent
21 violation.

22 (2) A person who violates subsection (b) is guilty of
23 a Class 2 ~~4~~ felony for a first violation and is guilty of a
24 Class 1 ~~2~~ felony for a second or subsequent violation.

25 (Source: P.A. 102-889, eff. 5-18-22; 103-605, eff. 7-1-24.)

1 Section 10. The Unified Code of Corrections is amended by
2 changing Sections 5-5-3.2 and 5-8-1 as follows:

3 (730 ILCS 5/5-5-3.2)

4 Sec. 5-5-3.2. Factors in aggravation and extended-term
5 sentencing.

6 (a) The following factors shall be accorded weight in
7 favor of imposing a term of imprisonment or may be considered
8 by the court as reasons to impose a more severe sentence under
9 Section 5-8-1 or Article 4.5 of Chapter V:

10 (1) the defendant's conduct caused or threatened
11 serious harm;

12 (2) the defendant received compensation for committing
13 the offense;

14 (3) the defendant has a history of prior delinquency
15 or criminal activity;

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

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

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

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

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

(9) the defendant committed the offense against a person who has a physical disability or such person's property;

(10) by reason of another individual's actual or perceived race, color, creed, religion, ancestry, gender, sexual orientation, physical or mental disability, or national origin, the defendant committed the offense against (i) the person or property of that individual; (ii) the person or property of a person who has an association with, is married to, or has a friendship with the other individual; or (iii) the person or property of a relative (by blood or marriage) of a person described in clause (i) or (ii). For the purposes of this Section, "sexual orientation" has the meaning ascribed to it in paragraph (0-1) of Section 1-103 of the Illinois Human Rights Act;

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

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

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

(14) the defendant held a position of trust or supervision such as, but not limited to, family member as defined in Section 11-0.1 of the Criminal Code of 2012, teacher, scout leader, baby sitter, or day care worker, in relation to a victim under 18 years of age, and the defendant committed an offense in violation of Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11, 11-14.4 except for an offense that involves keeping a place of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012 against that victim;

(15) the defendant committed an offense related to the activities of an organized gang. For the purposes of this

1 factor, "organized gang" has the meaning ascribed to it in
2 Section 10 of the Streetgang Terrorism Omnibus Prevention
3 Act;

4 (16) the defendant committed an offense in violation
5 of one of the following Sections while in a school,
6 regardless of the time of day or time of year; on any
7 conveyance owned, leased, or contracted by a school to
8 transport students to or from school or a school related
9 activity; on the real property of a school; or on a public
10 way within 1,000 feet of the real property comprising any
11 school: Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30,
12 11-1.40, 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1,
13 11-18.1, 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2,
14 12-4.3, 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1,
15 12-15, 12-16, 18-2, or 33A-2, or Section 12-3.05 except
16 for subdivision (a) (4) or (g) (1), of the Criminal Code of
17 1961 or the Criminal Code of 2012;

18 (16.5) the defendant committed an offense in violation
19 of one of the following Sections while in a day care
20 center, regardless of the time of day or time of year; on
21 the real property of a day care center, regardless of the
22 time of day or time of year; or on a public way within
23 1,000 feet of the real property comprising any day care
24 center, regardless of the time of day or time of year:
25 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
26 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,

1 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
2 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
3 18-2, or 33A-2, or Section 12-3.05 except for subdivision
4 (a) (4) or (g) (1), of the Criminal Code of 1961 or the
5 Criminal Code of 2012;

6 (17) the defendant committed the offense by reason of
7 any person's activity as a community policing volunteer or
8 to prevent any person from engaging in activity as a
9 community policing volunteer. For the purpose of this
10 Section, "community policing volunteer" has the meaning
11 ascribed to it in Section 2-3.5 of the Criminal Code of
12 2012;

13 (18) the defendant committed the offense in a nursing
14 home or on the real property comprising a nursing home.
15 For the purposes of this paragraph (18), "nursing home"
16 means a skilled nursing or intermediate long term care
17 facility that is subject to license by the Illinois
18 Department of Public Health under the Nursing Home Care
19 Act, the Specialized Mental Health Rehabilitation Act of
20 2013, the ID/DD Community Care Act, or the MC/DD Act;

21 (19) the defendant was a federally licensed firearm
22 dealer and was previously convicted of a violation of
23 subsection (a) of Section 3 of the Firearm Owners
24 Identification Card Act and has now committed either a
25 felony violation of the Firearm Owners Identification Card
26 Act or an act of armed violence while armed with a firearm;

(20) the defendant (i) committed the offense of reckless homicide under Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012 or the offense of driving under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof under Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance and (ii) was operating a motor vehicle in excess of 20 miles per hour over the posted speed limit as provided in Article VI of Chapter 11 of the Illinois Vehicle Code;

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

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

(23) the defendant committed the offense against a person who was elderly or infirm or who was a person with a

1 disability by taking advantage of a family or fiduciary
2 relationship with the elderly or infirm person or person
3 with a disability;

4 (24) the defendant committed any offense under Section
5 11-20.1 of the Criminal Code of 1961 or the Criminal Code
6 of 2012 and possessed 100 or more images;

7 (25) the defendant committed the offense while the
8 defendant or the victim was in a train, bus, or other
9 vehicle used for public transportation;

10 (26) the defendant committed the offense of child
11 pornography or aggravated child pornography, specifically
12 including paragraph (1), (2), (3), (4), (5), or (7) of
13 subsection (a) of Section 11-20.1 of the Criminal Code of
14 1961 or the Criminal Code of 2012 where a child engaged in,
15 solicited for, depicted in, or posed in any act of sexual
16 penetration or bound, fettered, or subject to sadistic,
17 masochistic, or sadomasochistic abuse in a sexual context
18 and specifically including paragraph (1), (2), (3), (4),
19 (5), or (7) of subsection (a) of Section 11-20.1B or
20 Section 11-20.3 of the Criminal Code of 1961 where a child
21 engaged in, solicited for, depicted in, or posed in any
22 act of sexual penetration or bound, fettered, or subject
23 to sadistic, masochistic, or sadomasochistic abuse in a
24 sexual context;

25 (26.5) the defendant committed the offense of obscene
26 depiction of a purported child, specifically including

1 paragraph (2) of subsection (b) of Section 11-20.4 of the
2 Criminal Code of 2012 if a child engaged in, solicited
3 for, depicted in, or posed in any act of sexual
4 penetration or bound, fettered, or subject to sadistic,
5 masochistic, or sadomasochistic abuse in a sexual context;

6 (27) the defendant committed the offense of first
7 degree murder, assault, aggravated assault, battery,
8 aggravated battery, robbery, armed robbery, or aggravated
9 robbery against a person who was a veteran and the
10 defendant knew, or reasonably should have known, that the
11 person was a veteran performing duties as a representative
12 of a veterans' organization. For the purposes of this
13 paragraph (27), "veteran" means an Illinois resident who
14 has served as a member of the United States Armed Forces, a
15 member of the Illinois National Guard, or a member of the
16 United States Reserve Forces; and "veterans' organization"
17 means an organization comprised of members of which
18 substantially all are individuals who are veterans or
19 spouses, widows, or widowers of veterans, the primary
20 purpose of which is to promote the welfare of its members
21 and to provide assistance to the general public in such a
22 way as to confer a public benefit;

23 (28) the defendant committed the offense of assault,
24 aggravated assault, battery, aggravated battery, robbery,
25 armed robbery, or aggravated robbery against a person that
26 the defendant knew or reasonably should have known was a

1 letter carrier or postal worker while that person was
2 performing his or her duties delivering mail for the
3 United States Postal Service;

4 (29) the defendant committed the offense of criminal
5 sexual assault, aggravated criminal sexual assault,
6 criminal sexual abuse, or aggravated criminal sexual abuse
7 against a victim with an intellectual disability, and the
8 defendant holds a position of trust, authority, or
9 supervision in relation to the victim;

10 (30) the defendant committed the offense of promoting
11 juvenile prostitution, patronizing a prostitute, or
12 patronizing a minor engaged in prostitution and at the
13 time of the commission of the offense knew that the
14 prostitute or minor engaged in prostitution was in the
15 custody or guardianship of the Department of Children and
16 Family Services;

17 (31) the defendant (i) committed the offense of
18 driving while under the influence of alcohol, other drug
19 or drugs, intoxicating compound or compounds or any
20 combination thereof in violation of Section 11-501 of the
21 Illinois Vehicle Code or a similar provision of a local
22 ordinance and (ii) the defendant during the commission of
23 the offense was driving his or her vehicle upon a roadway
24 designated for one-way traffic in the opposite direction
25 of the direction indicated by official traffic control
26 devices;

(32) the defendant committed the offense of reckless homicide while committing a violation of Section 11-907 of the Illinois Vehicle Code;

(33) the defendant was found guilty of an administrative infraction related to an act or acts of public indecency or sexual misconduct in the penal institution. In this paragraph (33), "penal institution" has the same meaning as in Section 2-14 of the Criminal Code of 2012; or

(34) the defendant committed the offense of leaving the scene of a crash in violation of subsection (b) of Section 11-401 of the Illinois Vehicle Code and the crash resulted in the death of a person and at the time of the offense, the defendant was: (i) driving under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof as defined by Section 11-501 of the Illinois Vehicle Code; or (ii) operating the motor vehicle while using an electronic communication device as defined in Section 12-610.2 of the Illinois Vehicle Code.

For the purposes of this Section:

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

"Day care center" means a public or private State certified and licensed day care center as defined in Section 2.09 of the Child Care Act of 1969 that displays a sign in

1 plain view stating that the property is a day care center.

2 "Intellectual disability" means significantly subaverage
3 intellectual functioning which exists concurrently with
4 impairment in adaptive behavior.

5 "Public transportation" means the transportation or
6 conveyance of persons by means available to the general
7 public, and includes paratransit services.

8 "Traffic control devices" means all signs, signals,
9 markings, and devices that conform to the Illinois Manual on
10 Uniform Traffic Control Devices, placed or erected by
11 authority of a public body or official having jurisdiction,
12 for the purpose of regulating, warning, or guiding traffic.

13 (b) The following factors, related to all felonies, may be
14 considered by the court as reasons to impose an extended term
15 sentence under Section 5-8-2 upon any offender:

16 (1) When a defendant is convicted of any felony, after
17 having been previously convicted in Illinois or any other
18 jurisdiction of the same or similar class felony or
19 greater class felony, when such conviction has occurred
20 within 10 years after the previous conviction, excluding
21 time spent in custody, and such charges are separately
22 brought and tried and arise out of different series of
23 acts; or

24 (2) When a defendant is convicted of any felony and
25 the court finds that the offense was accompanied by
26 exceptionally brutal or heinous behavior indicative of

1 wanton cruelty; or

2 (3) When a defendant is convicted of any felony
3 committed against:

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

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

8 (iii) a person who had a physical disability at
9 the time of the offense or such person's property; or

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

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

18 (ii) the theft of human corpses;

19 (iii) the kidnapping of humans;

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

23 (v) ritualized abuse of a child; or

24 (5) When a defendant is convicted of a felony other
25 than conspiracy and the court finds that the felony was
26 committed under an agreement with 2 or more other persons

1 to commit that offense and the defendant, with respect to
2 the other individuals, occupied a position of organizer,
3 supervisor, financier, or any other position of management
4 or leadership, and the court further finds that the felony
5 committed was related to or in furtherance of the criminal
6 activities of an organized gang or was motivated by the
7 defendant's leadership in an organized gang; or

8 (6) When a defendant is convicted of an offense
9 committed while using a firearm with a laser sight
10 attached to it. For purposes of this paragraph, "laser
11 sight" has the meaning ascribed to it in Section 26-7 of
12 the Criminal Code of 2012; or

13 (7) When a defendant who was at least 17 years of age
14 at the time of the commission of the offense is convicted
15 of a felony and has been previously adjudicated a
16 delinquent minor under the Juvenile Court Act of 1987 for
17 an act that if committed by an adult would be a Class X or
18 Class 1 felony when the conviction has occurred within 10
19 years after the previous adjudication, excluding time
20 spent in custody; or

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

(9) When a defendant commits any felony and the defendant knowingly video or audio records the offense with the intent to disseminate the recording.

(c) The following factors may be considered by the court as reasons to impose an extended term sentence under Section 5-8-2 ~~(730 ILCS 5/5 8-2)~~ upon any offender for the listed offenses:

(1) When a defendant is convicted of first degree murder, after having been previously convicted in Illinois of any offense listed under paragraph (c) (2) of Section 5-5-3 ~~(730 ILCS 5/5-5-3)~~, when that conviction has occurred within 10 years after the previous conviction, excluding time spent in custody, and the charges are separately brought and tried and arise out of different series of acts.

(1.5) When a defendant is convicted of first degree murder, after having been previously convicted of domestic battery ~~(720 ILCS 5/12-3.2)~~ or aggravated domestic battery ~~(720 ILCS 5/12-3.3)~~ committed on the same victim or after having been previously convicted of violation of an order of protection ~~(720 ILCS 5/12-30)~~ in which the same victim was the protected person.

(2) When a defendant is convicted of voluntary manslaughter, second degree murder, involuntary manslaughter, or reckless homicide in which the defendant has been convicted of causing the death of more than one

1 individual.

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

12 (4) If the victim was under 18 years of age at the time
13 of the commission of the offense, when a defendant is
14 convicted of aggravated criminal sexual assault or
15 predatory criminal sexual assault of a child under
16 subsection (a) (1) of Section 11-1.40 or subsection (a) (1)
17 of Section 12-14.1 of the Criminal Code of 1961 or the
18 Criminal Code of 2012 ~~(720 ILCS 5/11 1.40 or 5/12 14.1)~~.

19 (5) When a defendant is convicted of a felony
20 violation of Section 24-1 of the Criminal Code of 1961 or
21 the Criminal Code of 2012 ~~(720 ILCS 5/24-1)~~ and there is a
22 finding that the defendant is a member of an organized
23 gang.

24 (6) When a defendant was convicted of unlawful
25 possession of weapons under Section 24-1 of the Criminal
26 Code of 1961 or the Criminal Code of 2012 ~~(720 ILCS 5/24-1)~~

1 for possessing a weapon that is not readily
2 distinguishable as one of the weapons enumerated in
3 Section 24-1 of the Criminal Code of 1961 or the Criminal
4 Code of 2012 ~~(720 ILCS 5/24-1)~~.

5 (7) When a defendant is convicted of an offense
6 involving the illegal manufacture of a controlled
7 substance under Section 401 of the Illinois Controlled
8 Substances Act ~~(720 ILCS 570/401)~~, the illegal manufacture
9 of methamphetamine under Section 25 of the Methamphetamine
10 Control and Community Protection Act ~~(720 ILCS 646/25)~~, or
11 the illegal possession of explosives and an emergency
12 response officer in the performance of his or her duties
13 is killed or injured at the scene of the offense while
14 responding to the emergency caused by the commission of
15 the offense. In this paragraph, "emergency" means a
16 situation in which a person's life, health, or safety is
17 in jeopardy; and "emergency response officer" means a
18 peace officer, community policing volunteer, fireman,
19 emergency medical technician-ambulance, emergency medical
20 technician-intermediate, emergency medical
21 technician-paramedic, ambulance driver, other medical
22 assistance or first aid personnel, or hospital emergency
23 room personnel.

24 (8) When the defendant is convicted of attempted mob
25 action, solicitation to commit mob action, or conspiracy
26 to commit mob action under Section 8-1, 8-2, or 8-4 of the

1 Criminal Code of 2012, where the criminal object is a
2 violation of Section 25-1 of the Criminal Code of 2012,
3 and an electronic communication is used in the commission
4 of the offense. For the purposes of this paragraph (8),
5 "electronic communication" shall have the meaning provided
6 in Section 26.5-0.1 of the Criminal Code of 2012.

7 (9) When a defendant is convicted of unlawful
8 possession of weapons under Section 24-1 or aggravated
9 unlawful possession of a weapon under Section 24-1.6 of
10 the Criminal Code of 2012 and the weapon possessed was a
11 machine gun as defined in subparagraph (i) of paragraph
12 (7) of subsection (a) of Section 24-1 of that Code or was
13 modified or equipped with a forced reset trigger,
14 including an auto-switch or binary switch, or
15 high-capacity magazine.

16 (10) When a defendant is convicted of a violent crime
17 as defined in Section 3 of the Rights of Crime Victims and
18 Witnesses Act and a machine gun, as defined in
19 subparagraph (i) of paragraph (7) of subsection (a) of
20 Section 24-1 of the Criminal Code of 2012, or a firearm
21 that was modified or equipped with a forced reset trigger,
22 including an auto-switch or binary switch or high-capacity
23 magazine was used in the commission of the crime.

24 (11) When a defendant is convicted of unlawful
25 possession of weapons under Section 24-1 of the Criminal
26 Code of 2012 and the weapon possessed is a firearm in which

1 the frame or receiver of the firearm possessed was not
2 imprinted with a serial number.

3 (12) When a defendant is convicted of a violent crime
4 as defined in Section 3 of the Rights of Crime Victims and
5 Witnesses Act, and a firearm was used in the commission of
6 the offense and the frame or receiver of the firearm
7 possessed was not imprinted with a serial number.

8 (c-1) For the purposes of paragraphs (9) and (10) of
9 subsection (c), the General Assembly finds and declares that
10 machine gun conversion switches present an extraordinary
11 threat to public safety, as they can be readily made using a 3D
12 printer and can quickly turn a firearm into a fully automatic
13 weapon. A firearm equipped with a high-capacity magazine can
14 be said to have significantly more firepower than a
15 semi-automatic firearm because it can fire a significantly
16 larger number of shots without reloading. Additionally, the
17 use of firearms equipped with machine gun switches that allow
18 firearms to fire automatically increases the risk of harm to
19 innocent bystanders. High-capacity magazines that enable
20 individuals to fire numerous rounds without reloading increase
21 the potential for mass casualties. Firearms equipped with such
22 devices pose a greater danger to the community due to the
23 increased frequency with which they are reported to being used
24 in the commission of violent crimes all over the country. By
25 enhancing penalties for use of such firearms, the General
26 Assembly seeks to: reduce the risk of gun violence and mass

1 casualties; to protect first responders and law enforcement
2 from facing enhanced firepower; and to prevent circumvention
3 of gun safety laws in Illinois; and to reduce the risk of
4 fatalities in shootings.

5 (c-2) For the purposes of paragraphs (11) and (12) of
6 subsection (c), the General Assembly finds and declares that
7 the use of firearms that are not marked with serial numbers
8 poses a greater danger to the community due to the increased
9 frequency with which they are used in the commission of
10 violent crimes and the difficulty of tracing such firearms.
11 Because there is an increased market for these types of
12 weapons for use in the commission of criminal activity,
13 providing for stricter penalties for the possession and use of
14 firearms not marked with serial numbers or "ghost guns" by
15 individuals not authorized to possess or carry any firearms
16 will help deter similar crimes.

17 (d) For the purposes of this Section, "organized gang" has
18 the meaning ascribed to it in Section 10 of the Illinois
19 Streetgang Terrorism Omnibus Prevention Act.

20 (d-1) For the purposes of paragraphs (9) and (10) of
21 subsection (c), "forced reset trigger" and "high-capacity
22 magazine" have the meanings ascribed to them in subparagraphs
23 (i) and (ii-5) of paragraph (7) of subsection (a) of Section
24 24-1 of the Criminal Code of 2012, respectively.

25 (d-2) For the purposes of paragraphs (11) and (12) of
26 subsection (c), "firearm" does not include an antique firearm,

1 as defined in 18 U.S.C. 921(a)(16) or any firearm that was
2 manufactured prior to October 22, 1968.

3 (e) The court may impose an extended term sentence under
4 Article 4.5 of Chapter V upon an offender who has been
5 convicted of a felony violation of Section 11-1.20, 11-1.30,
6 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or
7 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012
8 when the victim of the offense is under 18 years of age at the
9 time of the commission of the offense and, during the
10 commission of the offense, the victim was under the influence
11 of alcohol, regardless of whether or not the alcohol was
12 supplied by the offender; and the offender, at the time of the
13 commission of the offense, knew or should have known that the
14 victim had consumed alcohol.

15 (Source: P.A. 102-558, eff. 8-20-21; 102-982, eff. 7-1-23;
16 103-822, eff. 1-1-25; 103-825, eff. 1-1-25; revised 11-26-24.)

17 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

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

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

25 (1) for first degree murder,

1 (a) (blank),

2 (b) if a trier of fact finds beyond a reasonable
3 doubt that the murder was accompanied by exceptionally
4 brutal or heinous behavior indicative of wanton
5 cruelty or, except as set forth in subsection
6 (a) (1) (c) of this Section, that any of the aggravating
7 factors listed in subparagraph (b-5) are present, the
8 court may sentence the defendant, subject to Section
9 5-4.5-105, to a term of natural life imprisonment, or

10 (b-5) a A defendant who at the time of the
11 commission of the offense has attained the age of 18 or
12 more and who has been found guilty of first degree
13 murder may be sentenced to a term of natural life
14 imprisonment if:

15 (1) the murdered individual was an inmate at
16 an institution or facility of the Department of
17 Corrections, or any similar local correctional
18 agency and was killed on the grounds thereof, or
19 the murdered individual was otherwise present in
20 such institution or facility with the knowledge
21 and approval of the chief administrative officer
22 thereof;

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

26 (3) the defendant committed the murder

1 pursuant to a contract, agreement, or
2 understanding by which he or she was to receive
3 money or anything of value in return for
4 committing the murder or procured another to
5 commit the murder for money or anything of value;

6 (4) the murdered individual was killed in the
7 course of another felony if:

8 (A) the murdered individual:

9 (i) was actually killed by the
10 defendant, or

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

8 (B) in performing the acts which caused
9 the death of the murdered individual or which
10 resulted in physical injuries personally
11 inflicted by the defendant on the murdered
12 individual under the circumstances of
13 subdivision (ii) of clause (A) of this clause
14 (4), the defendant acted with the intent to
15 kill the murdered individual or with the
16 knowledge that his or her acts created a
17 strong probability of death or great bodily
18 harm to the murdered individual or another;
19 and

20 (C) the other felony was an inherently
21 violent crime or the attempt to commit an
22 inherently violent crime. In this clause (C),
23 "inherently violent crime" includes, but is
24 not limited to, armed robbery, robbery,
25 predatory criminal sexual assault of a child,
26 aggravated criminal sexual assault, aggravated

kidnapping, aggravated vehicular hijacking, aggravated arson, aggravated stalking, residential burglary, and home invasion;

(5) the defendant committed the murder with intent to prevent the murdered individual from testifying or participating in any criminal investigation or prosecution or giving material assistance to the State in any investigation or prosecution, either against the defendant or another; or the defendant committed the murder because the murdered individual was a witness in any prosecution or gave material assistance to the State in any investigation or prosecution, either against the defendant or another; for purposes of this clause (5), "participating in any criminal investigation or prosecution" is intended to include those appearing in the proceedings in any capacity such as trial judges, prosecutors, defense attorneys, investigators, witnesses, or jurors;

(6) the defendant, while committing an offense punishable under Section 401, 401.1, 401.2, 405, 405.2, 407L or 407.1 or subsection (b) of Section 404 of the Illinois Controlled Substances Act, or while engaged in a conspiracy or solicitation to commit such offense, intentionally killed an

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

4 (7) the defendant was incarcerated in an
5 institution or facility of the Department of
6 Corrections at the time of the murder, and while
7 committing an offense punishable as a felony under
8 Illinois law, or while engaged in a conspiracy or
9 solicitation to commit such offense, intentionally
10 killed an individual or counseled, commanded,
11 induced, procured, or caused the intentional
12 killing of the murdered individual;

13 (8) the murder was committed in a cold,
14 calculated and premeditated manner pursuant to a
15 preconceived plan, scheme, or design to take a
16 human life by unlawful means, and the conduct of
17 the defendant created a reasonable expectation
18 that the death of a human being would result
19 therefrom;

20 (9) the defendant was a principal
21 administrator, organizer, or leader of a
22 calculated criminal drug conspiracy consisting of
23 a hierarchical position of authority superior to
24 that of all other members of the conspiracy, and
25 the defendant counseled, commanded, induced,
26 procured, or caused the intentional killing of the

murdered person;

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

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

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

(13) the murdered individual was subject to an order of protection and the murder was committed by a person against whom the same order of protection was issued under the Illinois Domestic

Violence Act of 1986;

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

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

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

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

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

(iii) the murdered individual was killed in the course of acting in his or her capacity as a physician, physician assistant, psychologist,

nurse, or advanced practice registered nurse, or to prevent him or her from acting in that capacity, or in retaliation for his or her acting in that capacity.

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

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

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

(iii) is found guilty of murdering a peace officer, fireman, or emergency management worker when the peace officer, fireman, or emergency management worker was killed in the course of performing his official duties, or to prevent the peace officer or fireman from performing his official duties, or in retaliation for the peace officer, fireman, or emergency management worker from performing his official duties, and the defendant knew or should have known that the murdered individual was a peace officer, fireman, or emergency management worker, or

(iv) is found guilty of murdering an employee of an institution or facility of the Department of

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

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

23 (vi) (blank), or

24 (vii) is found guilty of first degree murder
25 and the murder was committed by reason of any
26 person's activity as a community policing

volunteer or to prevent any person from engaging in activity as a community policing volunteer. For the purpose of this Section, "community policing volunteer" has the meaning ascribed to it in Section 2-3.5 of the Criminal Code of 2012.

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

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

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

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

(e) if the firearm used to commit the offense in subsection (d) was outfitted with parts designed or

1 intended for use in converting any weapon into a
2 machine gun or a high-capacity magazine, 5 consecutive
3 years shall be added on to the years added by
4 subsection (d). As used in this subsection, "machine
5 gun" and "high-capacity magazine" have the meanings
6 ascribed to them in subparagraph (7) of subsection (a)
7 of Section 24-1 of the Criminal Code of 2012.

8 (2) (blank);

9 (2.5) for a person who has attained the age of 18 years
10 at the time of the commission of the offense and who is
11 convicted under the circumstances described in subdivision
12 (b) (1) (B) of Section 11-1.20 or paragraph (3) of
13 subsection (b) of Section 12-13, subdivision (d) (2) of
14 Section 11-1.30 or paragraph (2) of subsection (d) of
15 Section 12-14, subdivision (b) (1.2) of Section 11-1.40 or
16 paragraph (1.2) of subsection (b) of Section 12-14.1,
17 subdivision (b) (2) of Section 11-1.40 or paragraph (2) of
18 subsection (b) of Section 12-14.1 of the Criminal Code of
19 1961 or the Criminal Code of 2012, the sentence shall be a
20 term of natural life imprisonment.

21 (b) (Blank).

22 (c) (Blank).

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

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

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

(2) except as provided in paragraph (7) of this subsection (d), for a Class 1 felony or a Class 2 felony except for the offense of criminal sexual assault if committed on or after December 13, 2005 (the effective date of Public Act 94-715) and except for the offenses of manufacture and dissemination of child pornography under clauses (a)(1) and (a)(2) of Section 11-20.1 of the Criminal Code of 1961 or the Criminal Code of 2012, if

1 committed on or after January 1, 2009, and except for the
2 offense of obscene depiction of a purported child under
3 paragraph (2) of subsection (b) of Section 11-20.4 of the
4 Criminal Code of 2012, 12 months;

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

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
26 December 13, 2005 (the effective date of Public Act

1 94-715), 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, or who commit the
7 offense of obscene depiction of a purported child under
8 paragraph (2) of subsection (b) of Section 11-20.4 of the
9 Criminal Code of 2012 or who commit the offense of obscene
10 depiction of a purported child with sentencing under
11 subsection (d) of Section 11-20.4 of the Criminal Code of
12 2012, the term of mandatory supervised release shall range
13 from a minimum of 3 years to a maximum of the natural life
14 of the defendant;

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

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

24 (7) for any felony described in paragraph (a)(2)(ii),
25 (a)(2)(iii), (a)(2)(iv), (a)(2)(vi), (a)(2.1), (a)(2.3),
26 (a)(2.4), (a)(2.5), or (a)(2.6) of Article 5, Section

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

17 (A) Class X felony, 3 years;

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

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

20 (e) (Blank).

21 (f) (Blank).

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

1 paragraphs (1.5) and (2) of subsection (d) are effective on
2 July 1, 2021 and shall apply to all individuals convicted on or
3 after the effective date of paragraphs (1.5) and (2) of
4 subsection (d).

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

1 INDEX

2 Statutes amended in order of appearance

3 720 ILCS 5/24-1 from Ch. 38, par. 24-1

4 720 ILCS 5/24-1.6

5 720 ILCS 5/24-2

6 720 ILCS 5/24-5.1

7 730 ILCS 5/5-5-3.2

7 730 ILCS 5/5-5-3.2
8 730 ILCS 5/5-8-1 from Ch. 38, par. 1005-8-1