



## 104TH GENERAL ASSEMBLY

### State of Illinois

### 2025 and 2026

### SB3411

Introduced 2/4/2026, by Sen. Javier L. Cervantes

#### SYNOPSIS AS INTRODUCED:

210 ILCS 50/3.50	
705 ILCS 405/1-7	
705 ILCS 405/5-715	
720 ILCS 5/8-2	from Ch. 38, par. 8-2
720 ILCS 5/9-1	from Ch. 38, par. 9-1
720 ILCS 5/9-1.3 new	
725 ILCS 5/104-25	from Ch. 38, par. 104-25
725 ILCS 5/110-6.1	from Ch. 38, par. 110-6.1
730 ILCS 5/3-2.5-80	
730 ILCS 5/3-14-2	from Ch. 38, par. 1003-14-2
730 ILCS 5/5-4.5-10	
730 ILCS 5/5-4.5-21 new	
730 ILCS 5/5-4.5-95	
730 ILCS 5/5-7-1	from Ch. 38, par. 1005-7-1
730 ILCS 5/5-8-1	from Ch. 38, par. 1005-8-1

Amends the Criminal Code of 2012 and the Unified Code of Corrections. Eliminates felony murder as an element of first degree murder. Creates felony murder as a separate class of felony. Provides that a person commits felony murder when he or she, acting alone or with one or more participants, commits or attempts to commit a forcible felony, other than second degree murder, and in the course of or in furtherance of that crime or flight from that crime, he or she or another participant causes the death of a person, other than one of the participants. Provides that the sentence of imprisonment for felony murder shall be a determinate sentence of not less than 8 years and not more than 40 year, subject to the parole review provisions for persons who committed the offense when under 21 years of age. Provides that an extended term sentence for felony murder shall be not less than 16 years and not more than 80 years. Amends various Acts to make conforming changes.

LRB104 16941 RLC 30355 b

1 AN ACT concerning criminal law.

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

4 Section 5. The Emergency Medical Services (EMS) Systems  
5 Act is amended by changing Section 3.50 as follows:

6 (210 ILCS 50/3.50)

7 Sec. 3.50. Emergency Medical Services personnel licensure  
8 levels.

9 (a) "Emergency Medical Technician" or "EMT" means a person  
10 who has successfully completed a course in basic life support  
11 as approved by the Department, is currently licensed by the  
12 Department in accordance with standards prescribed by this Act  
13 and rules adopted by the Department pursuant to this Act, and  
14 practices within an EMS System. A valid Emergency Medical  
15 Technician-Basic (EMT-B) license issued under this Act shall  
16 continue to be valid and shall be recognized as an Emergency  
17 Medical Technician (EMT) license until the Emergency Medical  
18 Technician-Basic (EMT-B) license expires.

19 (b) "Emergency Medical Technician-Intermediate" or "EMT-I"  
20 means a person who has successfully completed a course in  
21 intermediate life support as approved by the Department, is  
22 currently licensed by the Department in accordance with  
23 standards prescribed by this Act and rules adopted by the

1 Department pursuant to this Act, and practices within an  
2 Intermediate or Advanced Life Support EMS System.

3 (b-5) "Advanced Emergency Medical Technician" or "A-EMT"  
4 means a person who has successfully completed a course in  
5 basic and limited advanced emergency medical care as approved  
6 by the Department, is currently licensed by the Department in  
7 accordance with standards prescribed by this Act and rules  
8 adopted by the Department pursuant to this Act, and practices  
9 within an Intermediate or Advanced Life Support EMS System.

10 (c) "Paramedic (EMT-P)" means a person who has  
11 successfully completed a course in advanced life support care  
12 as approved by the Department, is licensed by the Department  
13 in accordance with standards prescribed by this Act and rules  
14 adopted by the Department pursuant to this Act, and practices  
15 within an Advanced Life Support EMS System. A valid Emergency  
16 Medical Technician-Paramedic (EMT-P) license issued under this  
17 Act shall continue to be valid and shall be recognized as a  
18 Paramedic license until the Emergency Medical  
19 Technician-Paramedic (EMT-P) license expires.

20 (c-5) "Emergency Medical Responder" or "EMR (First  
21 Responder)" means a person who has successfully completed a  
22 course in emergency medical response as approved by the  
23 Department and provides emergency medical response services in  
24 accordance with the level of care established by the National  
25 EMS Educational Standards Emergency Medical Responder course  
26 as modified by the Department, or who provides services as

1 part of an EMS System response plan, as approved by the  
2 Department, of that EMS System. The Department shall have the  
3 authority to adopt rules governing the curriculum, practice,  
4 and necessary equipment applicable to Emergency Medical  
5 Responders.

6 On August 15, 2014 (the effective date of Public Act  
7 98-973), a person who is licensed by the Department as a First  
8 Responder and has completed a Department-approved course in  
9 first responder defibrillator training based on, or equivalent  
10 to, the National EMS Educational Standards or other standards  
11 previously recognized by the Department shall be eligible for  
12 licensure as an Emergency Medical Responder upon meeting the  
13 licensure requirements and submitting an application to the  
14 Department. A valid First Responder license issued under this  
15 Act shall continue to be valid and shall be recognized as an  
16 Emergency Medical Responder license until the First Responder  
17 license expires.

18 (c-10) All EMS Systems and licensees shall be fully  
19 compliant with the National EMS Education Standards, as  
20 modified by the Department in administrative rules, within 24  
21 months after the adoption of the administrative rules.

22 (d) The Department shall have the authority and  
23 responsibility to:

- 24 (1) Prescribe education and training requirements,  
25 which includes training in the use of epinephrine, for all  
26 levels of EMS personnel except for EMRs, based on the

1 National EMS Educational Standards and any modifications  
2 to those curricula specified by the Department through  
3 rules adopted pursuant to this Act.

4 (A) A failure rate per course of 30% or greater at  
5 the first attempt on the licensure examination shall  
6 require the EMS System to submit a quality improvement  
7 plan to the Department. The EMS System shall share  
8 failure rates with the EMS Lead Instructor quarterly.  
9 Neither the EMS System nor the Department may take  
10 licensure action against an EMS Lead Instructor based  
11 solely on first-attempt pass rates.

12 (B) Candidates shall complete the licensure  
13 examination within the timeline required by the NREMT.

14 (C) An accredited Paramedic program shall be  
15 conducted only by an EMS System or an academic  
16 institution whose curriculum has been approved by the  
17 EMS System. An EMS System associate hospital may allow  
18 students from an EMS System-approved and  
19 Department-approved Paramedic course to complete  
20 clinical rotations as approved by the EMS System  
21 Medical Director. The approval by the EMS System  
22 Medical Director may not be unreasonably denied.

23 (2) Prescribe licensure testing requirements for all  
24 levels of EMS personnel, which shall include a requirement  
25 that all phases of instruction, training, and field  
26 experience be completed before taking the appropriate

1 licensure examination. Candidates shall take the  
2 appropriate National Registry examination. In prescribing  
3 licensure testing requirements for honorably discharged  
4 members of the armed forces of the United States under  
5 this paragraph (2), the Department shall ensure that a  
6 candidate's military emergency medical training, emergency  
7 medical curriculum completed, and clinical experience, as  
8 described in paragraph (2.5), are recognized.

9 (2.5) Review applications for EMS personnel licensure  
10 from honorably discharged members of the armed forces of  
11 the United States with military emergency medical  
12 training. Applications shall be filed with the Department  
13 within one year after military discharge and shall  
14 contain: (i) proof of successful completion of military  
15 emergency medical training; (ii) a detailed description of  
16 the emergency medical curriculum completed; and (iii) a  
17 detailed description of the applicant's clinical  
18 experience. The Department may request additional and  
19 clarifying information. The Department shall evaluate the  
20 application, including the applicant's training and  
21 experience, consistent with the standards set forth under  
22 subsections (a), (b), (c), and (d) of Section 3.10. If the  
23 application clearly demonstrates that the training and  
24 experience meet such standards, the Department shall offer  
25 the applicant the opportunity to successfully complete a  
26 Department-approved EMS personnel examination for the

1 level of license for which the applicant is qualified.  
2 Upon passage of an examination, the Department shall issue  
3 a license, which shall be subject to all provisions of  
4 this Act that are otherwise applicable to the level of EMS  
5 personnel license issued.

6 (3) License individuals as an EMR, EMT, EMT-I, A-EMT,  
7 or Paramedic who have met the Department's education,  
8 training and examination requirements.

9 (4) Prescribe annual continuing education and  
10 relicensure requirements for all EMS personnel licensure  
11 levels.

12 (5) Relicense individuals as an EMD, EMR, EMT, EMT-I,  
13 A-EMT, PHRN, PHAPRN, PHPA, or Paramedic every 4 years,  
14 based on their compliance with continuing education and  
15 relicensure requirements as required by the Department  
16 pursuant to this Act. Every 4 years, a Paramedic shall  
17 have 100 hours of approved continuing education, an EMT-I  
18 and an advanced EMT shall have 80 hours of approved  
19 continuing education, and an EMT shall have 60 hours of  
20 approved continuing education. An Illinois licensed EMR,  
21 EMD, EMT, EMT-I, A-EMT, Paramedic, ECRN, PHPA, PHAPRN, or  
22 PHRN whose license has been expired for less than 36  
23 months may apply for reinstatement by the Department.  
24 Reinstatement shall require that the applicant (i) submit  
25 satisfactory proof of completion of continuing medical  
26 education and clinical requirements to be prescribed by

1 the Department in an administrative rule; (ii) submit a  
2 positive recommendation from an Illinois EMS Medical  
3 Director attesting to the applicant's qualifications for  
4 retesting; and (iii) pass a Department approved test for  
5 the level of EMS personnel license sought to be  
6 reinstated.

7 (6) Grant inactive status to any EMR, EMD, EMT, EMT-I,  
8 A-EMT, Paramedic, ECRN, PHAPRN, PHPA, or PHRN who  
9 qualifies, based on standards and procedures established  
10 by the Department in rules adopted pursuant to this Act.

11 (7) Charge a fee for EMS personnel examination,  
12 licensure, and license renewal.

13 (8) Suspend, revoke, or refuse to issue or renew the  
14 license of any licensee, after an opportunity for an  
15 impartial hearing before a neutral administrative law  
16 judge appointed by the Director, where the preponderance  
17 of the evidence shows one or more of the following:

18 (A) The licensee has not met continuing education  
19 or relicensure requirements as prescribed by the  
20 Department;

21 (B) The licensee has failed to maintain  
22 proficiency in the level of skills for which he or she  
23 is licensed;

24 (C) The licensee, during the provision of medical  
25 services, engaged in dishonorable, unethical, or  
26 unprofessional conduct of a character likely to

1 deceive, defraud, or harm the public;

2 (D) The licensee has failed to maintain or has  
3 violated standards of performance and conduct as  
4 prescribed by the Department in rules adopted pursuant  
5 to this Act or his or her EMS System's Program Plan;

6 (E) The licensee is physically impaired to the  
7 extent that he or she cannot physically perform the  
8 skills and functions for which he or she is licensed,  
9 as verified by a physician, unless the person is on  
10 inactive status pursuant to Department regulations;

11 (F) The licensee is mentally impaired to the  
12 extent that he or she cannot exercise the appropriate  
13 judgment, skill and safety for performing the  
14 functions for which he or she is licensed, as verified  
15 by a physician, unless the person is on inactive  
16 status pursuant to Department regulations;

17 (G) The licensee has violated this Act or any rule  
18 adopted by the Department pursuant to this Act; or

19 (H) The licensee has been convicted (or entered a  
20 plea of guilty or nolo contendere) by a court of  
21 competent jurisdiction of a felony murder, a Class X,  
22 Class 1, or Class 2 felony in this State or an  
23 out-of-state equivalent offense.

24 (9) Prescribe education and training requirements in  
25 the administration and use of opioid antagonists for all  
26 levels of EMS personnel based on the National EMS

1 Educational Standards and any modifications to those  
2 curricula specified by the Department through rules  
3 adopted pursuant to this Act.

4 (d-5) An EMR, EMD, EMT, EMT-I, A-EMT, Paramedic, ECRN,  
5 PHAPRN, PHPA, or PHRN who is a member of the Illinois National  
6 Guard or an Illinois State Trooper or who exclusively serves  
7 as a volunteer for units of local government with a population  
8 base of less than 5,000 or as a volunteer for a not-for-profit  
9 organization that serves a service area with a population base  
10 of less than 5,000 may submit an application to the Department  
11 for a waiver of the fees described under paragraph (7) of  
12 subsection (d) of this Section on a form prescribed by the  
13 Department.

14 (d-10) A person who is not an EMS personnel may operate an  
15 EMS vehicle pursuant to this Act if the following requirements  
16 are met: (i) the person meets the requirements of Section  
17 11-1421 of the Illinois Vehicle Code; (ii) 2  
18 Department-licensed EMS personnel are present and have met  
19 educational requirements prescribed by the Department; and  
20 (iii) the clinical condition of the patient necessitates the  
21 involvement of additional licensed personnel to ensure  
22 appropriate assessment, treatment, and patient safety. If a  
23 waiver is issued by the Department, the person who is not an  
24 EMS personnel may operate the EMS vehicle if only one EMS  
25 personnel is present. Upon request, the Department may issue a  
26 retroactive waiver when appropriate.

1           The education requirements prescribed by the Department  
2 under this Section must allow for the suspension of those  
3 requirements in the case of a member of the armed services or  
4 reserve forces of the United States or a member of the Illinois  
5 National Guard who is on active duty pursuant to an executive  
6 order of the President of the United States, an act of the  
7 Congress of the United States, or an order of the Governor at  
8 the time that the member would otherwise be required to  
9 fulfill a particular education requirement. Such a person must  
10 fulfill the education requirement within 6 months after his or  
11 her release from active duty.

12           (e) In the event that any rule of the Department or an EMS  
13 Medical Director that requires testing for drug use as a  
14 condition of the applicable EMS personnel license conflicts  
15 with or duplicates a provision of a collective bargaining  
16 agreement that requires testing for drug use, that rule shall  
17 not apply to any person covered by the collective bargaining  
18 agreement.

19           (f) At the time of applying for or renewing his or her  
20 license, an applicant for a license or license renewal may  
21 submit an email address to the Department. The Department  
22 shall keep the email address on file as a form of contact for  
23 the individual. The Department shall send license renewal  
24 notices electronically and by mail to a licensee who provides  
25 the Department with his or her email address. The notices  
26 shall be sent at least 60 days prior to the expiration date of

1 the license.

2 (Source: P.A. 104-362, eff. 8-15-25.)

3 Section 10. The Juvenile Court Act of 1987 is amended by  
4 changing Sections 1-7 and 5-715 as follows:

5 (705 ILCS 405/1-7)

6 Sec. 1-7. Confidentiality of juvenile law enforcement and  
7 municipal ordinance violation records.

8 (A) All juvenile law enforcement records which have not  
9 been expunged are confidential and may never be disclosed to  
10 the general public or otherwise made widely available.  
11 Juvenile law enforcement records may be obtained only under  
12 this Section and Section 1-8 and Part 9 of Article V of this  
13 Act, when their use is needed for good cause and with an order  
14 from the juvenile court, as required by those not authorized  
15 to retain them. Inspection, copying, and disclosure of  
16 juvenile law enforcement records maintained by law enforcement  
17 agencies or records of municipal ordinance violations  
18 maintained by any State, local, or municipal agency that  
19 relate to a minor who has been investigated, arrested, or  
20 taken into custody before the minor's 18th birthday shall be  
21 restricted to the following:

22 (0.05) The minor who is the subject of the juvenile  
23 law enforcement record, the minor's parents, guardian, and  
24 counsel.

1           (0.10) Judges of the circuit court and members of the  
2 staff of the court designated by the judge.

3           (0.15) An administrative adjudication hearing officer  
4 or members of the staff designated to assist in the  
5 administrative adjudication process.

6           (1) Any local, State, or federal law enforcement  
7 officers or designated law enforcement staff of any  
8 jurisdiction or agency when necessary for the discharge of  
9 their official duties during the investigation or  
10 prosecution of a crime or relating to a minor who has been  
11 adjudicated delinquent and there has been a previous  
12 finding that the act which constitutes the previous  
13 offense was committed in furtherance of criminal  
14 activities by a criminal street gang, or, when necessary  
15 for the discharge of its official duties in connection  
16 with a particular investigation of the conduct of a law  
17 enforcement officer, an independent agency or its staff  
18 created by ordinance and charged by a unit of local  
19 government with the duty of investigating the conduct of  
20 law enforcement officers. For purposes of this Section,  
21 "criminal street gang" has the meaning ascribed to it in  
22 Section 10 of the Illinois Streetgang Terrorism Omnibus  
23 Prevention Act.

24           (2) Prosecutors, public defenders, probation officers,  
25 social workers, or other individuals assigned by the court  
26 to conduct a pre-adjudication or pre-disposition

1 investigation, and individuals responsible for supervising  
2 or providing temporary or permanent care and custody for  
3 minors under the order of the juvenile court, when  
4 essential to performing their responsibilities.

5 (3) Federal, State, or local prosecutors, public  
6 defenders, probation officers, and designated staff:

7 (a) in the course of a trial when institution of  
8 criminal proceedings has been permitted or required  
9 under Section 5-805;

10 (b) when institution of criminal proceedings has  
11 been permitted or required under Section 5-805 and the  
12 minor is the subject of a proceeding to determine the  
13 conditions of pretrial release;

14 (c) when criminal proceedings have been permitted  
15 or required under Section 5-805 and the minor is the  
16 subject of a pre-trial investigation, pre-sentence  
17 investigation, fitness hearing, or proceedings on an  
18 application for probation; or

19 (d) in the course of prosecution or administrative  
20 adjudication of a violation of a traffic, boating, or  
21 fish and game law, or a county or municipal ordinance.

22 (4) Adult and Juvenile Prisoner Review Board.

23 (5) Authorized military personnel.

24 (5.5) Employees of the federal government authorized  
25 by law.

26 (6) Persons engaged in bona fide research, with the

1 permission of the Presiding Judge and the chief executive  
2 of the respective law enforcement agency; provided that  
3 publication of such research results in no disclosure of a  
4 minor's identity and protects the confidentiality of the  
5 minor's record.

6 (7) Department of Children and Family Services child  
7 protection investigators acting in their official  
8 capacity.

9 (8) The appropriate school official only if the agency  
10 or officer believes that there is an imminent threat of  
11 physical harm to students, school personnel, or others.

12 (A) Inspection and copying shall be limited to  
13 juvenile law enforcement records transmitted to the  
14 appropriate school official or officials whom the  
15 school has determined to have a legitimate educational  
16 or safety interest by a local law enforcement agency  
17 under a reciprocal reporting system established and  
18 maintained between the school district and the local  
19 law enforcement agency under Section 10-20.14 of the  
20 School Code concerning a minor enrolled in a school  
21 within the school district who has been arrested or  
22 taken into custody for any of the following offenses:

23 (i) any violation of Article 24 of the  
24 Criminal Code of 1961 or the Criminal Code of  
25 2012;

26 (ii) a violation of the Illinois Controlled

- 1 Substances Act;
- 2 (iii) a violation of the Cannabis Control Act;
- 3 (iii-5) a violation of Section 9-1.3 of the
- 4 Criminal Code of 2012;
- 5 (iv) a forcible felony as defined in Section
- 6 2-8 of the Criminal Code of 1961 or the Criminal
- 7 Code of 2012;
- 8 (v) a violation of the Methamphetamine Control
- 9 and Community Protection Act;
- 10 (vi) a violation of Section 1-2 of the
- 11 Harassing and Obscene Communications Act;
- 12 (vii) a violation of the Hazing Act; or
- 13 (viii) a violation of Section 12-1, 12-2,
- 14 12-3, 12-3.05, 12-3.1, 12-3.2, 12-3.4, 12-3.5,
- 15 12-5, 12-7.3, 12-7.4, 12-7.5, 25-1, or 25-5 of the
- 16 Criminal Code of 1961 or the Criminal Code of
- 17 2012.

18 The information derived from the juvenile law

19 enforcement records shall be kept separate from and

20 shall not become a part of the official school record

21 of that child and shall not be a public record. The

22 information shall be used solely by the appropriate

23 school official or officials whom the school has

24 determined to have a legitimate educational or safety

25 interest to aid in the proper rehabilitation of the

26 child and to protect the safety of students and

1 employees in the school. If the designated law  
2 enforcement and school officials deem it to be in the  
3 best interest of the minor, the student may be  
4 referred to in-school or community-based social  
5 services if those services are available.  
6 "Rehabilitation services" may include interventions by  
7 school support personnel, evaluation for eligibility  
8 for special education, referrals to community-based  
9 agencies such as youth services, behavioral healthcare  
10 service providers, drug and alcohol prevention or  
11 treatment programs, and other interventions as deemed  
12 appropriate for the student.

13 (B) Any information provided to appropriate school  
14 officials whom the school has determined to have a  
15 legitimate educational or safety interest by local law  
16 enforcement officials about a minor who is the subject  
17 of a current police investigation that is directly  
18 related to school safety shall consist of oral  
19 information only, and not written juvenile law  
20 enforcement records, and shall be used solely by the  
21 appropriate school official or officials to protect  
22 the safety of students and employees in the school and  
23 aid in the proper rehabilitation of the child. The  
24 information derived orally from the local law  
25 enforcement officials shall be kept separate from and  
26 shall not become a part of the official school record

1 of the child and shall not be a public record. This  
2 limitation on the use of information about a minor who  
3 is the subject of a current police investigation shall  
4 in no way limit the use of this information by  
5 prosecutors in pursuing criminal charges arising out  
6 of the information disclosed during a police  
7 investigation of the minor. For purposes of this  
8 paragraph, "investigation" means an official  
9 systematic inquiry by a law enforcement agency into  
10 actual or suspected criminal activity.

11 (9) Mental health professionals on behalf of the  
12 Department of Corrections or the Department of Human  
13 Services or prosecutors who are evaluating, prosecuting,  
14 or investigating a potential or actual petition brought  
15 under the Sexually Violent Persons Commitment Act relating  
16 to a person who is the subject of juvenile law enforcement  
17 records or the respondent to a petition brought under the  
18 Sexually Violent Persons Commitment Act who is the subject  
19 of the juvenile law enforcement records sought. Any  
20 juvenile law enforcement records and any information  
21 obtained from those juvenile law enforcement records under  
22 this paragraph (9) may be used only in sexually violent  
23 persons commitment proceedings.

24 (10) The president of a park district. Inspection and  
25 copying shall be limited to juvenile law enforcement  
26 records transmitted to the president of the park district

1 by the Illinois State Police under Section 8-23 of the  
2 Park District Code or Section 16a-5 of the Chicago Park  
3 District Act concerning a person who is seeking employment  
4 with that park district and who has been adjudicated a  
5 juvenile delinquent for any of the offenses listed in  
6 subsection (c) of Section 8-23 of the Park District Code  
7 or subsection (c) of Section 16a-5 of the Chicago Park  
8 District Act.

9 (11) Persons managing and designated to participate in  
10 a court diversion program as designated in subsection (6)  
11 of Section 5-105.

12 (12) The Public Access Counselor of the Office of the  
13 Attorney General, when reviewing juvenile law enforcement  
14 records under its powers and duties under the Freedom of  
15 Information Act.

16 (13) Collection agencies, contracted or otherwise  
17 engaged by a governmental entity, to collect any debts due  
18 and owing to the governmental entity.

19 (B)(1) Except as provided in paragraph (2), no law  
20 enforcement officer or other person or agency may knowingly  
21 transmit to the Department of Corrections, the Illinois State  
22 Police, or the Federal Bureau of Investigation any fingerprint  
23 or photograph relating to a minor who has been arrested or  
24 taken into custody before the minor's 18th birthday, unless  
25 the court in proceedings under this Act authorizes the  
26 transmission or enters an order under Section 5-805 permitting

1 or requiring the institution of criminal proceedings.

2 (2) Law enforcement officers or other persons or agencies  
3 shall transmit to the Illinois State Police copies of  
4 fingerprints and descriptions of all minors who have been  
5 arrested or taken into custody before their 18th birthday for  
6 the offense of unlawful possession of weapons under Article 24  
7 of the Criminal Code of 1961 or the Criminal Code of 2012, a  
8 Class X or Class 1 felony, a forcible felony as defined in  
9 Section 2-8 of the Criminal Code of 1961 or the Criminal Code  
10 of 2012, or a Class 2 or greater felony under the Cannabis  
11 Control Act, the Illinois Controlled Substances Act, the  
12 Methamphetamine Control and Community Protection Act, or  
13 Chapter 4 of the Illinois Vehicle Code, pursuant to Section 5  
14 of the Criminal Identification Act. Information reported to  
15 the Department pursuant to this Section may be maintained with  
16 records that the Department files pursuant to Section 2.1 of  
17 the Criminal Identification Act. Nothing in this Act prohibits  
18 a law enforcement agency from fingerprinting a minor taken  
19 into custody or arrested before the minor's 18th birthday for  
20 an offense other than those listed in this paragraph (2).

21 (C) The records of law enforcement officers, or of an  
22 independent agency created by ordinance and charged by a unit  
23 of local government with the duty of investigating the conduct  
24 of law enforcement officers, concerning all minors under 18  
25 years of age must be maintained separate from the records of  
26 arrests and may not be open to public inspection or their

1 contents disclosed to the public. For purposes of obtaining  
2 documents under this Section, a civil subpoena is not an order  
3 of the court.

4 (1) In cases where the law enforcement, or independent  
5 agency, records concern a pending juvenile court case, the  
6 party seeking to inspect the records shall provide actual  
7 notice to the attorney or guardian ad litem of the minor  
8 whose records are sought.

9 (2) In cases where the records concern a juvenile  
10 court case that is no longer pending, the party seeking to  
11 inspect the records shall provide actual notice to the  
12 minor or the minor's parent or legal guardian, and the  
13 matter shall be referred to the chief judge presiding over  
14 matters pursuant to this Act.

15 (3) In determining whether the records should be  
16 available for inspection, the court shall consider the  
17 minor's interest in confidentiality and rehabilitation  
18 over the moving party's interest in obtaining the  
19 information. Any records obtained in violation of this  
20 subsection (C) shall not be admissible in any criminal or  
21 civil proceeding, or operate to disqualify a minor from  
22 subsequently holding public office or securing employment,  
23 or operate as a forfeiture of any public benefit, right,  
24 privilege, or right to receive any license granted by  
25 public authority.

26 (D) Nothing contained in subsection (C) of this Section

1 shall prohibit the inspection or disclosure to victims and  
2 witnesses of photographs contained in the records of law  
3 enforcement agencies when the inspection and disclosure is  
4 conducted in the presence of a law enforcement officer for the  
5 purpose of the identification or apprehension of any person  
6 subject to the provisions of this Act or for the investigation  
7 or prosecution of any crime.

8 (E) Law enforcement officers, and personnel of an  
9 independent agency created by ordinance and charged by a unit  
10 of local government with the duty of investigating the conduct  
11 of law enforcement officers, may not disclose the identity of  
12 any minor in releasing information to the general public as to  
13 the arrest, investigation or disposition of any case involving  
14 a minor.

15 (F) Nothing contained in this Section shall prohibit law  
16 enforcement agencies from communicating with each other by  
17 letter, memorandum, teletype, or intelligence alert bulletin  
18 or other means the identity or other relevant information  
19 pertaining to a person under 18 years of age if there are  
20 reasonable grounds to believe that the person poses a real and  
21 present danger to the safety of the public or law enforcement  
22 officers. The information provided under this subsection (F)  
23 shall remain confidential and shall not be publicly disclosed,  
24 except as otherwise allowed by law.

25 (G) Nothing in this Section shall prohibit the right of a  
26 Civil Service Commission or appointing authority of any

1 federal government, state, county or municipality examining  
2 the character and fitness of an applicant for employment with  
3 a law enforcement agency, correctional institution, or fire  
4 department from obtaining and examining the records of any law  
5 enforcement agency relating to any record of the applicant  
6 having been arrested or taken into custody before the  
7 applicant's 18th birthday.

8 (G-5) Information identifying victims and alleged victims  
9 of sex offenses shall not be disclosed or open to the public  
10 under any circumstances. Nothing in this Section shall  
11 prohibit the victim or alleged victim of any sex offense from  
12 voluntarily disclosing this identity.

13 (H) The changes made to this Section by Public Act 98-61  
14 apply to law enforcement records of a minor who has been  
15 arrested or taken into custody on or after January 1, 2014 (the  
16 effective date of Public Act 98-61).

17 (H-5) Nothing in this Section shall require any court or  
18 adjudicative proceeding for traffic, boating, fish and game  
19 law, or municipal and county ordinance violations to be closed  
20 to the public.

21 (I) Willful violation of this Section is a Class C  
22 misdemeanor and each violation is subject to a fine of \$1,000.  
23 This subsection (I) shall not apply to the person who is the  
24 subject of the record.

25 (J) A person convicted of violating this Section is liable  
26 for damages in the amount of \$1,000 or actual damages,

1       whichever is greater.

2       (Source: P.A. 102-538, eff. 8-20-21; 102-752, eff. 1-1-23;  
3       102-813, eff. 5-13-22; 103-22, eff. 8-8-23; 103-822, eff.  
4       1-1-25.)

5               (705 ILCS 405/5-715)

6       Sec. 5-715. Probation.

7               (1) The period of probation or conditional discharge shall  
8       not exceed 5 years or until the minor has attained the age of  
9       21 years, whichever is less, except as provided in this  
10       Section for a minor who is found to be guilty for an offense  
11       which is first degree murder. The juvenile court may terminate  
12       probation or conditional discharge and discharge the minor at  
13       any time if warranted by the conduct of the minor and the ends  
14       of justice; provided, however, that the period of probation  
15       for a minor who is found to be guilty for an offense which is  
16       first degree murder shall be at least 5 years.

17               (1.1) The period of probation for a minor who is found  
18       guilty of felony murder shall not exceed 4 years.

19               (1.5) The period of probation for a minor who is found  
20       guilty of aggravated criminal sexual assault, criminal sexual  
21       assault, or aggravated battery with a firearm shall be at  
22       least 36 months. The period of probation for a minor who is  
23       found to be guilty of any other Class X felony shall be at  
24       least 24 months. The period of probation for a Class 1 or Class  
25       2 forcible felony shall be at least 18 months. Regardless of

1 the length of probation ordered by the court, for all offenses  
2 under this subsection (1.5), the court shall schedule hearings  
3 to determine whether it is in the best interest of the minor  
4 and public safety to terminate probation after the minimum  
5 period of probation has been served. In such a hearing, there  
6 shall be a rebuttable presumption that it is in the best  
7 interest of the minor and public safety to terminate  
8 probation.

9 (2) The court may as a condition of probation or of  
10 conditional discharge require that the minor:

11 (a) not violate any criminal statute of any  
12 jurisdiction;

13 (b) make a report to and appear in person before any  
14 person or agency as directed by the court;

15 (c) work or pursue a course of study or vocational  
16 training;

17 (d) undergo medical or psychiatric treatment, rendered  
18 by a psychiatrist or psychological treatment rendered by a  
19 clinical psychologist or social work services rendered by  
20 a clinical social worker, or treatment for drug addiction  
21 or alcoholism;

22 (e) attend or reside in a facility established for the  
23 instruction or residence of persons on probation;

24 (f) support the minor's dependents, if any;

25 (g) refrain from possessing a firearm or other  
26 dangerous weapon, or an automobile;

1           (h) permit the probation officer to visit the minor at  
2 the minor's home or elsewhere;

3           (i) reside with the minor's parents or in a foster  
4 home;

5           (j) attend school;

6           (j-5) with the consent of the superintendent of the  
7 facility, attend an educational program at a facility  
8 other than the school in which the offense was committed  
9 if the minor committed a crime of violence as defined in  
10 Section 2 of the Crime Victims Compensation Act in a  
11 school, on the real property comprising a school, or  
12 within 1,000 feet of the real property comprising a  
13 school;

14           (k) attend a non-residential program for youth;

15           (l) make restitution under the terms of subsection (4)  
16 of Section 5-710;

17           (m) provide nonfinancial contributions to the minor's  
18 own support at home or in a foster home;

19           (n) perform some reasonable public or community  
20 service that does not interfere with school hours,  
21 school-related activities, or work commitments of the  
22 minor or the minor's parent, guardian, or legal custodian;

23           (o) participate with community corrections programs  
24 including unified delinquency intervention services  
25 administered by the Department of Human Services subject  
26 to Section 5 of the Children and Family Services Act;

1 (p) (blank);

2 (q) serve a term of home confinement. In addition to  
3 any other applicable condition of probation or conditional  
4 discharge, the conditions of home confinement shall be  
5 that the minor:

6 (i) remain within the interior premises of the  
7 place designated for the minor's confinement during  
8 the hours designated by the court;

9 (ii) admit any person or agent designated by the  
10 court into the minor's place of confinement at any  
11 time for purposes of verifying the minor's compliance  
12 with the conditions of the minor's confinement; and

13 (iii) use an approved electronic monitoring device  
14 if ordered by the court subject to Article 8A of  
15 Chapter V of the Unified Code of Corrections;

16 (r) refrain from entering into a designated geographic  
17 area except upon terms as the court finds appropriate. The  
18 terms may include consideration of the purpose of the  
19 entry, the time of day, other persons accompanying the  
20 minor, and advance approval by a probation officer, if the  
21 minor has been placed on probation, or advance approval by  
22 the court, if the minor has been placed on conditional  
23 discharge;

24 (s) refrain from having any contact, directly or  
25 indirectly, with certain specified persons or particular  
26 types of persons, including, but not limited to, members

1 of street gangs and drug users or dealers;

2 (s-5) undergo a medical or other procedure to have a  
3 tattoo symbolizing allegiance to a street gang removed  
4 from the minor's body;

5 (t) refrain from having in the minor's body the  
6 presence of any illicit drug prohibited by the Cannabis  
7 Control Act, the Illinois Controlled Substances Act, or  
8 the Methamphetamine Control and Community Protection Act,  
9 unless prescribed by a physician, and shall submit samples  
10 of the minor's blood or urine or both for tests to  
11 determine the presence of any illicit drug; or

12 (u) comply with other conditions as may be ordered by  
13 the court.

14 (3) The court may as a condition of probation or of  
15 conditional discharge require that a minor found guilty on any  
16 alcohol, cannabis, methamphetamine, or controlled substance  
17 violation, refrain from acquiring a driver's license during  
18 the period of probation or conditional discharge. If the minor  
19 is in possession of a permit or license, the court may require  
20 that the minor refrain from driving or operating any motor  
21 vehicle during the period of probation or conditional  
22 discharge, except as may be necessary in the course of the  
23 minor's lawful employment.

24 (3.5) The court shall, as a condition of probation or of  
25 conditional discharge, require that a minor found to be guilty  
26 and placed on probation for reasons that include a violation

1 of Section 3.02 or Section 3.03 of the Humane Care for Animals  
2 Act or paragraph (4) of subsection (a) of Section 21-1 of the  
3 Criminal Code of 2012 undergo medical or psychiatric treatment  
4 rendered by a psychiatrist or psychological treatment rendered  
5 by a clinical psychologist. The condition may be in addition  
6 to any other condition.

7 (3.10) The court shall order that a minor placed on  
8 probation or conditional discharge for a sex offense as  
9 defined in the Sex Offender Management Board Act undergo and  
10 successfully complete sex offender treatment. The treatment  
11 shall be in conformance with the standards developed under the  
12 Sex Offender Management Board Act and conducted by a treatment  
13 provider approved by the Board.

14 (4) A minor on probation or conditional discharge shall be  
15 given a certificate setting forth the conditions upon which  
16 the minor is being released.

17 (5) (Blank).

18 (5.5) Jurisdiction over an offender may be transferred  
19 from the sentencing court to the court of another circuit with  
20 the concurrence of both courts. Further transfers or  
21 retransfers of jurisdiction are also authorized in the same  
22 manner. The court to which jurisdiction has been transferred  
23 shall have the same powers as the sentencing court.

24 If the transfer case originated in another state and has  
25 been transferred under the Interstate Compact for Juveniles to  
26 the jurisdiction of an Illinois circuit court for supervision

1 by an Illinois probation department, probation fees may be  
2 imposed only if permitted by the Interstate Commission for  
3 Juveniles.

4 (6) The General Assembly finds that in order to protect  
5 the public, the juvenile justice system must compel compliance  
6 with the conditions of probation by responding to violations  
7 with swift, certain, and fair punishments and intermediate  
8 sanctions. The Chief Judge of each circuit shall adopt a  
9 system of structured, intermediate sanctions for violations of  
10 the terms and conditions of a sentence of supervision,  
11 probation, or conditional discharge, under this Act.

12 The court shall provide as a condition of a disposition of  
13 probation, conditional discharge, or supervision, that the  
14 probation agency may invoke any sanction from the list of  
15 intermediate sanctions adopted by the chief judge of the  
16 circuit court for violations of the terms and conditions of  
17 the sentence of probation, conditional discharge, or  
18 supervision, subject to the provisions of Section 5-720 of  
19 this Act.

20 (7) Fines and assessments, including any fee or  
21 administrative cost authorized under Section 5-4.5-105,  
22 5-5-10, 5-6-3, 5-6-3.1, 5-7-6, 5-9-1.4, or 5-9-1.9 of the  
23 Unified Code of Corrections, shall not be ordered or imposed  
24 on a minor or the minor's parent, guardian, or legal custodian  
25 as a condition of probation, conditional discharge, or  
26 supervision. If the minor or the minor's parent, guardian, or

1 legal custodian is unable to cover the cost of a condition  
2 under this subsection, the court shall not preclude the minor  
3 from receiving probation, conditional discharge, or  
4 supervision based on the inability to pay. Inability to pay  
5 shall not be grounds to object to the minor's placement on  
6 probation, conditional discharge, or supervision.

7 (Source: P.A. 103-22, eff. 8-8-23; 103-379, eff. 7-28-23;  
8 103-605, eff. 7-1-24.)

9 Section 15. The Criminal Code of 2012 is amended by  
10 changing Sections 8-2 and 9-1 and by adding Section 9-1.3 as  
11 follows:

12 (720 ILCS 5/8-2) (from Ch. 38, par. 8-2)

13 Sec. 8-2. Conspiracy.

14 (a) Elements of the offense. A person commits the offense  
15 of conspiracy when, with intent that an offense be committed,  
16 he or she agrees with another to the commission of that  
17 offense. No person may be convicted of conspiracy to commit an  
18 offense unless an act in furtherance of that agreement is  
19 alleged and proved to have been committed by him or her or by a  
20 co-conspirator.

21 (b) Co-conspirators. It is not a defense to conspiracy  
22 that the person or persons with whom the accused is alleged to  
23 have conspired:

24 (1) have not been prosecuted or convicted,

- 1 (2) have been convicted of a different offense,  
2 (3) are not amenable to justice,  
3 (4) have been acquitted, or  
4 (5) lacked the capacity to commit an offense.

5 (c) Sentence.

6 (1) Except as otherwise provided in this subsection or  
7 Code, a person convicted of conspiracy to commit:

8 (A) felony murder shall be sentenced for a Class X  
9 felony;

10 (A-5) ~~(A)~~ a Class X felony shall be sentenced for a  
11 Class 1 felony;

12 (B) a Class 1 felony shall be sentenced for a Class  
13 2 felony;

14 (C) a Class 2 felony shall be sentenced for a Class  
15 3 felony;

16 (D) a Class 3 felony shall be sentenced for a Class  
17 4 felony;

18 (E) a Class 4 felony shall be sentenced for a Class  
19 4 felony; and

20 (F) a misdemeanor may be fined or imprisoned or  
21 both not to exceed the maximum provided for the  
22 offense that is the object of the conspiracy.

23 (2) A person convicted of conspiracy to commit any of  
24 the following offenses shall be sentenced for a Class X  
25 felony:

26 (A) aggravated insurance fraud conspiracy when the

1 person is an organizer of the conspiracy (720 ILCS  
2 5/46-4); or

3 (B) aggravated governmental entity insurance fraud  
4 conspiracy when the person is an organizer of the  
5 conspiracy (720 ILCS 5/46-4).

6 (3) A person convicted of conspiracy to commit any of  
7 the following offenses shall be sentenced for a Class 1  
8 felony:

9 (A) first degree murder (720 ILCS 5/9-1); or

10 (B) aggravated insurance fraud (720 ILCS 5/46-3)  
11 or aggravated governmental insurance fraud (720 ILCS  
12 5/46-3).

13 (4) A person convicted of conspiracy to commit  
14 insurance fraud (720 ILCS 5/46-3) or governmental entity  
15 insurance fraud (720 ILCS 5/46-3) shall be sentenced for a  
16 Class 2 felony.

17 (5) A person convicted of conspiracy to commit any of  
18 the following offenses shall be sentenced for a Class 3  
19 felony:

20 (A) soliciting for a person engaged in the sex  
21 trade (720 ILCS 5/11-14.3(a)(1));

22 (B) pandering (720 ILCS 5/11-14.3(a)(2)(A) or  
23 5/11-14.3(a)(2)(B));

24 (C) keeping a place of prostitution (720 ILCS  
25 5/11-14.3(a)(1));

26 (D) pimping (720 ILCS 5/11-14.3(a)(2)(C));

1 (E) unlawful possession of weapons under Section  
2 24-1(a)(1) (720 ILCS 5/24-1(a)(1));

3 (F) unlawful possession of weapons under Section  
4 24-1(a)(7) (720 ILCS 5/24-1(a)(7));

5 (G) gambling (720 ILCS 5/28-1);

6 (H) keeping a gambling place (720 ILCS 5/28-3);

7 (I) registration of federal gambling stamps  
8 violation (720 ILCS 5/28-4);

9 (J) look-alike substances violation (720 ILCS  
10 570/404);

11 (K) miscellaneous controlled substance violation  
12 under Section 406(b) (720 ILCS 570/406(b)); or

13 (L) an inchoate offense related to any of the  
14 principal offenses set forth in this item (5).

15 (Source: P.A. 103-822, eff. 1-1-25; 103-1071, eff. 7-1-25;  
16 revised 6-11-25.)

17 (720 ILCS 5/9-1) (from Ch. 38, par. 9-1)

18 Sec. 9-1. First degree murder.

19 (a) A person who kills an individual without lawful  
20 justification commits first degree murder if, in performing  
21 the acts which cause the death:

22 (1) he or she either intends to kill or do great bodily  
23 harm to that individual or another, or knows that such  
24 acts will cause death to that individual or another; or

25 (2) he or she knows that such acts create a strong

1 probability of death or great bodily harm to that  
2 individual or another; or

3 (3) (blank). ~~he or she, acting alone or with one or~~  
4 ~~more participants, commits or attempts to commit a~~  
5 ~~forcible felony other than second degree murder, and in~~  
6 ~~the course of or in furtherance of such crime or flight~~  
7 ~~therefrom, he or she or another participant causes the~~  
8 ~~death of a person.~~

9 (b) (Blank).

10 (b-5) (Blank).

11 (c) (Blank).

12 (d) (Blank).

13 (e) (Blank).

14 (f) (Blank).

15 (g) (Blank).

16 (h) (Blank).

17 (h-5) (Blank).

18 (i) (Blank).

19 (j) (Blank).

20 (k) (Blank).

21 (Source: P.A. 103-51, eff. 1-1-24; 103-605, eff. 7-1-24.)

22 (720 ILCS 5/9-1.3 new)

23 Sec. 9-1.3. Felony murder.

24 (a) A person commits felony murder when he or she, acting  
25 alone or with one or more participants, commits or attempts to

1 commit a forcible felony, other than second degree murder, and  
2 in the course of or in furtherance of that crime or flight from  
3 that crime, he or she or another participant causes the death  
4 of a person, other than one of the participants.

5 (b) Sentence. Felony murder is a separate class of felony  
6 and shall be punished as provided in Section 5-4.5-21 of the  
7 Unified Code of Corrections.

8 Section 20. The Code of Criminal Procedure of 1963 is  
9 amended by changing Sections 104-25 and 110-6.1 as follows:

10 (725 ILCS 5/104-25) (from Ch. 38, par. 104-25)

11 Sec. 104-25. Discharge hearing.

12 (a) As provided for in paragraph (a) of Section 104-23 and  
13 subparagraph (1) of paragraph (b) of Section 104-23 a hearing  
14 to determine the sufficiency of the evidence shall be held.  
15 Such hearing shall be conducted by the court without a jury.  
16 The State and the defendant may introduce evidence relevant to  
17 the question of defendant's guilt of the crime charged.

18 The court may admit hearsay or affidavit evidence on  
19 secondary matters such as testimony to establish the chain of  
20 possession of physical evidence, laboratory reports,  
21 authentication of transcripts taken by official reporters,  
22 court and business records, and public documents.

23 (b) If the evidence does not prove the defendant guilty  
24 beyond a reasonable doubt, the court shall enter a judgment of

1 acquittal; however nothing herein shall prevent the State from  
2 requesting the court to commit the defendant to the Department  
3 of Human Services under the provisions of the Mental Health  
4 and Developmental Disabilities Code.

5 (c) If the defendant is found not guilty by reason of  
6 insanity, the court shall enter a judgment of acquittal and  
7 the proceedings after acquittal by reason of insanity under  
8 Section 5-2-4 of the Unified Code of Corrections shall apply.

9 (d) If the discharge hearing does not result in an  
10 acquittal of the charge the defendant may be remanded for  
11 further treatment and the one year time limit set forth in  
12 Section 104-23 shall be extended as follows:

13 (1) If the most serious charge upon which the State  
14 sustained its burden of proof was felony murder, a Class  
15 1, or Class X felony, the treatment period may be extended  
16 up to a maximum treatment period of 2 years; if a Class 2,  
17 3, or 4 felony, the treatment period may be extended up to  
18 a maximum of 15 months;

19 (2) If the State sustained its burden of proof on a  
20 charge of first degree murder, the treatment period may be  
21 extended up to a maximum treatment period of 5 years.

22 (e) Transcripts of testimony taken at a discharge hearing  
23 may be admitted in evidence at a subsequent trial of the case,  
24 subject to the rules of evidence, if the witness who gave such  
25 testimony is legally unavailable at the time of the subsequent  
26 trial.

1 (f) If the court fails to enter an order of acquittal the  
2 defendant may appeal from such judgment in the same manner  
3 provided for an appeal from a conviction in a criminal case.

4 (g) At the expiration of an extended period of treatment  
5 ordered pursuant to this Section:

6 (1) Upon a finding that the defendant is fit or can be  
7 rendered fit consistent with Section 104-22, the court may  
8 proceed with trial.

9 (2) If the defendant continues to be unfit to stand  
10 trial, the court shall determine whether he or she is  
11 subject to involuntary admission under the Mental Health  
12 and Developmental Disabilities Code or constitutes a  
13 serious threat to the public safety. If so found, the  
14 defendant shall be remanded to the Department of Human  
15 Services for further treatment and shall be treated in the  
16 same manner as a civilly committed patient for all  
17 purposes, except that the original court having  
18 jurisdiction over the defendant shall be required to  
19 approve any conditional release or discharge of the  
20 defendant, for the period of commitment equal to the  
21 maximum sentence to which the defendant would have been  
22 subject had he or she been convicted in a criminal  
23 proceeding. During this period of commitment, the original  
24 court having jurisdiction over the defendant shall hold  
25 hearings under clause (i) of this paragraph (2). However,  
26 if the defendant is remanded to the Department of Human

1 Services, the defendant shall be placed in a secure  
2 setting unless the court determines that there are  
3 compelling reasons why such placement is not necessary.

4 If the defendant does not have a current treatment  
5 plan, then within 3 days of admission under this  
6 subdivision (g) (2), a treatment plan shall be prepared for  
7 each defendant and entered into his or her record. The  
8 plan shall include (i) an assessment of the defendant's  
9 treatment needs, (ii) a description of the services  
10 recommended for treatment, (iii) the goals of each type of  
11 element of service, (iv) an anticipated timetable for the  
12 accomplishment of the goals, and (v) a designation of the  
13 qualified professional responsible for the implementation  
14 of the plan. The plan shall be reviewed and updated as the  
15 clinical condition warrants, but not less than every 30  
16 days.

17 Every 90 days after the initial admission under this  
18 subdivision (g) (2), the facility director shall file a  
19 typed treatment plan report with the original court having  
20 jurisdiction over the defendant. The report shall include  
21 an opinion as to whether the defendant is fit to stand  
22 trial and whether the defendant is currently subject to  
23 involuntary admission, in need of mental health services  
24 on an inpatient basis, or in need of mental health  
25 services on an outpatient basis. The report shall also  
26 summarize the basis for those findings and provide a

1 current summary of the 5 items required in a treatment  
2 plan. A copy of the report shall be forwarded to the clerk  
3 of the court, the State's Attorney, and the defendant's  
4 attorney if the defendant is represented by counsel.

5 The court on its own motion may order a hearing to  
6 review the treatment plan. The defendant or the State's  
7 Attorney may request a treatment plan review every 90 days  
8 and the court shall review the current treatment plan to  
9 determine whether the plan complies with the requirements  
10 of this Section. The court may order an independent  
11 examination on its own initiative and shall order such an  
12 evaluation if either the recipient or the State's Attorney  
13 so requests and has demonstrated to the court that the  
14 plan cannot be effectively reviewed by the court without  
15 such an examination. Under no circumstances shall the  
16 court be required to order an independent examination  
17 pursuant to this Section more than once each year. The  
18 examination shall be conducted by a psychiatrist or  
19 clinical psychologist as defined in Section 1-103 of the  
20 Mental Health and Developmental Disabilities Code who is  
21 not in the employ of the Department of Human Services.

22 If, during the period within which the defendant is  
23 confined in a secure setting, the court enters an order  
24 that requires the defendant to appear, the court shall  
25 timely transmit a copy of the order or writ to the director  
26 of the particular Department of Human Services facility

1 where the defendant resides authorizing the transportation  
2 of the defendant to the court for the purpose of the  
3 hearing.

4 (i) 180 days after a defendant is remanded to the  
5 Department of Human Services, under paragraph (2), and  
6 every 180 days thereafter for so long as the defendant  
7 is confined under the order entered thereunder, the  
8 court shall set a hearing and shall direct that notice  
9 of the time and place of the hearing be served upon the  
10 defendant, the facility director, the State's  
11 Attorney, and the defendant's attorney. If requested  
12 by either the State or the defense or if the court  
13 determines that it is appropriate, an impartial  
14 examination of the defendant by a psychiatrist or  
15 clinical psychologist as defined in Section 1-103 of  
16 the Mental Health and Developmental Disabilities Code  
17 who is not in the employ of the Department of Human  
18 Services shall be ordered, and the report considered  
19 at the time of the hearing. If the defendant is not  
20 currently represented by counsel the court shall  
21 appoint the public defender to represent the defendant  
22 at the hearing. The court shall make a finding as to  
23 whether the defendant is:

24 (A) subject to involuntary admission; or

25 (B) in need of mental health services in the  
26 form of inpatient care; or

1 (C) in need of mental health services but not  
2 subject to involuntary admission nor inpatient  
3 care.

4 The findings of the court shall be established by  
5 clear and convincing evidence and the burden of proof  
6 and the burden of going forward with the evidence  
7 shall rest with the State's Attorney. Upon finding by  
8 the court, the court shall enter its findings and an  
9 appropriate order.

10 (ii) The terms "subject to involuntary admission",  
11 "in need of mental health services in the form of  
12 inpatient care" and "in need of mental health services  
13 but not subject to involuntary admission nor inpatient  
14 care" shall have the meanings ascribed to them in  
15 clause (d)(3) of Section 5-2-4 of the Unified Code of  
16 Corrections.

17 (3) If the defendant is not committed pursuant to this  
18 Section, he or she shall be released.

19 (4) In no event may the treatment period be extended  
20 to exceed the maximum sentence to which a defendant would  
21 have been subject had he or she been convicted in a  
22 criminal proceeding. For purposes of this Section, the  
23 maximum sentence shall be determined by Section 5-8-1 (730  
24 ILCS 5/5-8-1) or Article 4.5 of Chapter V of the "Unified  
25 Code of Corrections", excluding any sentence of natural  
26 life.

1 (Source: P.A. 95-1052, eff. 7-1-09.)

2 (725 ILCS 5/110-6.1) (from Ch. 38, par. 110-6.1)

3 Sec. 110-6.1. Denial of pretrial release.

4 (a) Upon verified petition by the State, the court shall  
5 hold a hearing and may deny a defendant pretrial release only  
6 if:

7 (1) the defendant is charged with a felony offense  
8 other than a forcible felony for which, based on the  
9 charge or the defendant's criminal history, a sentence of  
10 imprisonment, without probation, periodic imprisonment, or  
11 conditional discharge, is required by law upon conviction,  
12 and it is alleged that the defendant's pretrial release  
13 poses a real and present threat to the safety of any person  
14 or persons or the community, based on the specific  
15 articulable facts of the case;

16 (1.5) the defendant's pretrial release poses a real  
17 and present threat to the safety of any person or persons  
18 or the community, based on the specific articulable facts  
19 of the case, and the defendant is charged with a forcible  
20 felony, which as used in this Section, means treason,  
21 first degree murder, felony murder, second degree murder,  
22 predatory criminal sexual assault of a child, aggravated  
23 criminal sexual assault, criminal sexual assault, armed  
24 robbery, aggravated robbery, robbery, burglary where there  
25 is use of force against another person, residential

1 burglary, home invasion, vehicular invasion, aggravated  
2 arson, arson, aggravated kidnaping, kidnaping, aggravated  
3 battery resulting in great bodily harm or permanent  
4 disability or disfigurement, or any other felony which  
5 involves the threat of or infliction of great bodily harm  
6 or permanent disability or disfigurement;

7 (2) the defendant is charged with stalking or  
8 aggravated stalking, and it is alleged that the  
9 defendant's pre-trial release poses a real and present  
10 threat to the safety of a victim of the alleged offense,  
11 and denial of release is necessary to prevent fulfillment  
12 of the threat upon which the charge is based;

13 (3) the defendant is charged with a violation of an  
14 order of protection issued under Section 112A-14 of this  
15 Code or Section 214 of the Illinois Domestic Violence Act  
16 of 1986, a stalking no contact order under Section 80 of  
17 the Stalking No Contact Order Act, or a civil no contact  
18 order under Section 213 of the Civil No Contact Order Act,  
19 and it is alleged that the defendant's pretrial release  
20 poses a real and present threat to the safety of any person  
21 or persons or the community, based on the specific  
22 articulable facts of the case;

23 (4) the defendant is charged with domestic battery or  
24 aggravated domestic battery under Section 12-3.2 or 12-3.3  
25 of the Criminal Code of 2012 and it is alleged that the  
26 defendant's pretrial release poses a real and present

1 threat to the safety of any person or persons or the  
2 community, based on the specific articulable facts of the  
3 case;

4 (5) the defendant is charged with any offense under  
5 Article 11 of the Criminal Code of 2012, except for  
6 Sections 11-14, 11-14.1, 11-18, 11-20, 11-30, 11-35,  
7 11-40, and 11-45 of the Criminal Code of 2012, or similar  
8 provisions of the Criminal Code of 1961 and it is alleged  
9 that the defendant's pretrial release poses a real and  
10 present threat to the safety of any person or persons or  
11 the community, based on the specific articulable facts of  
12 the case;

13 (6) the defendant is charged with any of the following  
14 offenses under the Criminal Code of 2012, and it is  
15 alleged that the defendant's pretrial release poses a real  
16 and present threat to the safety of any person or persons  
17 or the community, based on the specific articulable facts  
18 of the case:

19 (A) Section 24-1.2 (aggravated discharge of a  
20 firearm);

21 (B) Section 24-1.2-5 (aggravated discharge of a  
22 machine gun or a firearm equipped with a device  
23 designed or used for silencing the report of a  
24 firearm);

25 (C) Section 24-1.5 (reckless discharge of a  
26 firearm);

1 (D) Section 24-1.7 (unlawful possession of a  
2 firearm by a repeat felony offender);

3 (E) Section 24-2.2 (manufacture, sale, or transfer  
4 of bullets or shells represented to be armor piercing  
5 bullets, dragon's breath shotgun shells, bolo shells,  
6 or flechette shells);

7 (F) Section 24-3 (unlawful sale or delivery of  
8 firearms);

9 (G) Section 24-3.3 (unlawful sale or delivery of  
10 firearms on the premises of any school);

11 (H) Section 24-34 (unlawful sale of firearms by  
12 liquor license);

13 (I) Section 24-3.5 (unlawful purchase of a  
14 firearm);

15 (J) Section 24-3A (gunrunning);

16 (K) Section 24-3B (firearms trafficking);

17 (L) Section 10-9 (b) (involuntary servitude);

18 (M) Section 10-9 (c) (involuntary sexual servitude  
19 of a minor);

20 (N) Section 10-9(d) (trafficking in persons);

21 (O) Non-probationable violations: (i) unlawful  
22 possession of weapons by felons or persons in the  
23 Custody of the Department of Corrections facilities  
24 (Section 24-1.1), (ii) aggravated unlawful possession  
25 of a weapon (Section 24-1.6), or (iii) aggravated  
26 possession of a stolen firearm (Section 24-3.9);

1 (P) Section 9-3 (reckless homicide and involuntary  
2 manslaughter);

3 (Q) Section 19-3 (residential burglary);

4 (R) Section 10-5 (child abduction);

5 (S) Felony violations of Section 12C-5 (child  
6 endangerment);

7 (T) Section 12-7.1 (hate crime);

8 (U) Section 10-3.1 (aggravated unlawful  
9 restraint);

10 (V) Section 12-9 (threatening a public official);

11 (W) Subdivision (f)(1) of Section 12-3.05  
12 (aggravated battery with a deadly weapon other than by  
13 discharge of a firearm);

14 (6.5) the defendant is charged with any of the  
15 following offenses, and it is alleged that the defendant's  
16 pretrial release poses a real and present threat to the  
17 safety of any person or persons or the community, based on  
18 the specific articulable facts of the case:

19 (A) Felony violations of Sections 3.01, 3.02, or  
20 3.03 of the Humane Care for Animals Act (cruel  
21 treatment, aggravated cruelty, and animal torture);

22 (B) Subdivision (d)(1)(B) of Section 11-501 of the  
23 Illinois Vehicle Code (aggravated driving under the  
24 influence while operating a school bus with  
25 passengers);

26 (C) Subdivision (d)(1)(C) of Section 11-501 of the

1 Illinois Vehicle Code (aggravated driving under the  
2 influence causing great bodily harm);

3 (D) Subdivision (d) (1) (D) of Section 11-501 of the  
4 Illinois Vehicle Code (aggravated driving under the  
5 influence after a previous reckless homicide  
6 conviction);

7 (E) Subdivision (d) (1) (F) of Section 11-501 of the  
8 Illinois Vehicle Code (aggravated driving under the  
9 influence leading to death); or

10 (F) Subdivision (d) (1) (J) of Section 11-501 of the  
11 Illinois Vehicle Code (aggravated driving under the  
12 influence that resulted in bodily harm to a child  
13 under the age of 16);

14 (7) the defendant is charged with an attempt to commit  
15 any charge listed in paragraphs (1) through (6.5), and it  
16 is alleged that the defendant's pretrial release poses a  
17 real and present threat to the safety of any person or  
18 persons or the community, based on the specific  
19 articulable facts of the case; or

20 (8) the person has a high likelihood of willful flight  
21 to avoid prosecution and is charged with:

22 (A) Any felony described in subdivisions (a) (1)  
23 through (a) (7) of this Section; or

24 (B) A felony offense other than a Class 4 offense.

25 (b) If the charged offense is a felony, as part of the  
26 detention hearing, the court shall determine whether there is

1 probable cause the defendant has committed an offense, unless  
2 a hearing pursuant to Section 109-3 of this Code has already  
3 been held or a grand jury has returned a true bill of  
4 indictment against the defendant. If there is a finding of no  
5 probable cause, the defendant shall be released. No such  
6 finding is necessary if the defendant is charged with a  
7 misdemeanor.

8 (c) Timing of petition.

9 (1) A petition may be filed without prior notice to  
10 the defendant at the first appearance before a judge, or  
11 within the 21 calendar days, except as provided in Section  
12 110-6, after arrest and release of the defendant upon  
13 reasonable notice to defendant; provided that while such  
14 petition is pending before the court, the defendant if  
15 previously released shall not be detained.

16 (2) Upon filing, the court shall immediately hold a  
17 hearing on the petition unless a continuance is requested.  
18 If a continuance is requested and granted, the hearing  
19 shall be held within 48 hours of the defendant's first  
20 appearance if the defendant is charged with first degree  
21 murder or a Class X, Class 1, Class 2, or Class 3 felony,  
22 and within 24 hours if the defendant is charged with a  
23 Class 4 or misdemeanor offense. The Court may deny or  
24 grant the request for continuance. If the court decides to  
25 grant the continuance, the Court retains the discretion to  
26 detain or release the defendant in the time between the

1 filing of the petition and the hearing.

2 (d) Contents of petition.

3 (1) The petition shall be verified by the State and  
4 shall state the grounds upon which it contends the  
5 defendant should be denied pretrial release, including the  
6 real and present threat to the safety of any person or  
7 persons or the community, based on the specific  
8 articulable facts or flight risk, as appropriate.

9 (2) If the State seeks to file a second or subsequent  
10 petition under this Section, the State shall be required  
11 to present a verified application setting forth in detail  
12 any new facts not known or obtainable at the time of the  
13 filing of the previous petition.

14 (e) Eligibility: All defendants shall be presumed eligible  
15 for pretrial release, and the State shall bear the burden of  
16 proving by clear and convincing evidence that:

17 (1) the proof is evident or the presumption great that  
18 the defendant has committed an offense listed in  
19 subsection (a), and

20 (2) for offenses listed in paragraphs (1) through (7)  
21 of subsection (a), the defendant poses a real and present  
22 threat to the safety of any person or persons or the  
23 community, based on the specific articulable facts of the  
24 case, by conduct which may include, but is not limited to,  
25 a forcible felony, the obstruction of justice,  
26 intimidation, injury, or abuse as defined by paragraph (1)

1 of Section 103 of the Illinois Domestic Violence Act of  
2 1986, and

3 (3) no condition or combination of conditions set  
4 forth in subsection (b) of Section 110-10 of this Article  
5 can mitigate (i) the real and present threat to the safety  
6 of any person or persons or the community, based on the  
7 specific articulable facts of the case, for offenses  
8 listed in paragraphs (1) through (7) of subsection (a), or  
9 (ii) the defendant's willful flight for offenses listed in  
10 paragraph (8) of subsection (a), and

11 (4) for offenses under subsection (b) of Section 407  
12 of the Illinois Controlled Substances Act that are subject  
13 to paragraph (1) of subsection (a), no condition or  
14 combination of conditions set forth in subsection (b) of  
15 Section 110-10 of this Article can mitigate the real and  
16 present threat to the safety of any person or persons or  
17 the community, based on the specific articulable facts of  
18 the case, and the defendant poses a serious risk to not  
19 appear in court as required.

20 (f) Conduct of the hearings.

21 (1) Prior to the hearing, the State shall tender to  
22 the defendant copies of the defendant's criminal history  
23 available, any written or recorded statements, and the  
24 substance of any oral statements made by any person, if  
25 relied upon by the State in its petition, and any police  
26 reports in the prosecutor's possession at the time of the

1 hearing.

2 (2) The State or defendant may present evidence at the  
3 hearing by way of proffer based upon reliable information.

4 (3) The defendant has the right to be represented by  
5 counsel, and if he or she is indigent, to have counsel  
6 appointed for him or her. The defendant shall have the  
7 opportunity to testify, to present witnesses on his or her  
8 own behalf, and to cross-examine any witnesses that are  
9 called by the State. Defense counsel shall be given  
10 adequate opportunity to confer with the defendant before  
11 any hearing at which conditions of release or the  
12 detention of the defendant are to be considered, with an  
13 accommodation for a physical condition made to facilitate  
14 attorney/client consultation. If defense counsel needs to  
15 confer or consult with the defendant during any hearing  
16 conducted via a 2-way audio-visual communication system,  
17 such consultation shall not be recorded and shall be  
18 undertaken consistent with constitutional protections.

19 (3.5) A hearing at which pretrial release may be  
20 denied must be conducted in person (and not by way of 2-way  
21 audio visual communication) unless the accused waives the  
22 right to be present physically in court, the court  
23 determines that the physical health and safety of any  
24 person necessary to the proceedings would be endangered by  
25 appearing in court, or the chief judge of the circuit  
26 orders use of that system due to operational challenges in

1 conducting the hearing in person. Such operational  
2 challenges must be documented and approved by the chief  
3 judge of the circuit, and a plan to address the challenges  
4 through reasonable efforts must be presented and approved  
5 by the Administrative Office of the Illinois Courts every  
6 6 months.

7 (4) If the defense seeks to compel the complaining  
8 witness to testify as a witness in its favor, it shall  
9 petition the court for permission. When the ends of  
10 justice so require, the court may exercise its discretion  
11 and compel the appearance of a complaining witness. The  
12 court shall state on the record reasons for granting a  
13 defense request to compel the presence of a complaining  
14 witness only on the issue of the defendant's pretrial  
15 detention. In making a determination under this Section,  
16 the court shall state on the record the reason for  
17 granting a defense request to compel the presence of a  
18 complaining witness, and only grant the request if the  
19 court finds by clear and convincing evidence that the  
20 defendant will be materially prejudiced if the complaining  
21 witness does not appear. Cross-examination of a  
22 complaining witness at the pretrial detention hearing for  
23 the purpose of impeaching the witness' credibility is  
24 insufficient reason to compel the presence of the witness.  
25 In deciding whether to compel the appearance of a  
26 complaining witness, the court shall be considerate of the

1 emotional and physical well-being of the witness. The  
2 pre-trial detention hearing is not to be used for purposes  
3 of discovery, and the post arraignment rules of discovery  
4 do not apply. The State shall tender to the defendant,  
5 prior to the hearing, copies, if any, of the defendant's  
6 criminal history, if available, and any written or  
7 recorded statements and the substance of any oral  
8 statements made by any person, if in the State's  
9 Attorney's possession at the time of the hearing.

10 (5) The rules concerning the admissibility of evidence  
11 in criminal trials do not apply to the presentation and  
12 consideration of information at the hearing. At the trial  
13 concerning the offense for which the hearing was conducted  
14 neither the finding of the court nor any transcript or  
15 other record of the hearing shall be admissible in the  
16 State's case-in-chief, but shall be admissible for  
17 impeachment, or as provided in Section 115-10.1 of this  
18 Code, or in a perjury proceeding.

19 (6) The defendant may not move to suppress evidence or  
20 a confession, however, evidence that proof of the charged  
21 crime may have been the result of an unlawful search or  
22 seizure, or both, or through improper interrogation, is  
23 relevant in assessing the weight of the evidence against  
24 the defendant.

25 (7) Decisions regarding release, conditions of  
26 release, and detention prior to trial must be

1 individualized, and no single factor or standard may be  
2 used exclusively to order detention. Risk assessment tools  
3 may not be used as the sole basis to deny pretrial release.

4 (g) Factors to be considered in making a determination of  
5 dangerousness. The court may, in determining whether the  
6 defendant poses a real and present threat to the safety of any  
7 person or persons or the community, based on the specific  
8 articulable facts of the case, consider, but shall not be  
9 limited to, evidence or testimony concerning:

10 (1) The nature and circumstances of any offense  
11 charged, including whether the offense is a crime of  
12 violence, involving a weapon, or a sex offense.

13 (2) The history and characteristics of the defendant  
14 including:

15 (A) Any evidence of the defendant's prior criminal  
16 history indicative of violent, abusive, or assaultive  
17 behavior, or lack of such behavior. Such evidence may  
18 include testimony or documents received in juvenile  
19 proceedings, criminal, quasi-criminal, civil  
20 commitment, domestic relations, or other proceedings.

21 (B) Any evidence of the defendant's psychological,  
22 psychiatric or other similar social history which  
23 tends to indicate a violent, abusive, or assaultive  
24 nature, or lack of any such history.

25 (3) The identity of any person or persons to whose  
26 safety the defendant is believed to pose a threat, and the

1 nature of the threat.

2 (4) Any statements made by, or attributed to the  
3 defendant, together with the circumstances surrounding  
4 them.

5 (5) The age and physical condition of the defendant.

6 (6) The age and physical condition of any victim or  
7 complaining witness.

8 (7) Whether the defendant is known to possess or have  
9 access to any weapon or weapons.

10 (8) Whether, at the time of the current offense or any  
11 other offense or arrest, the defendant was on probation,  
12 parole, aftercare release, mandatory supervised release,  
13 or other release from custody pending trial, sentencing,  
14 appeal, or completion of sentence for an offense under  
15 federal or State law.

16 (9) Any other factors, including those listed in  
17 Section 110-5 of this Article deemed by the court to have a  
18 reasonable bearing upon the defendant's propensity or  
19 reputation for violent, abusive, or assaultive behavior,  
20 or lack of such behavior.

21 (h) Detention order. The court shall, in any order for  
22 detention:

23 (1) make a written finding summarizing the court's  
24 reasons for concluding that the defendant should be denied  
25 pretrial release, including why less restrictive  
26 conditions would not avoid a real and present threat to

1 the safety of any person or persons or the community,  
2 based on the specific articulable facts of the case, or  
3 prevent the defendant's willful flight from prosecution;

4 (2) direct that the defendant be committed to the  
5 custody of the sheriff for confinement in the county jail  
6 pending trial;

7 (3) direct that the defendant be given a reasonable  
8 opportunity for private consultation with counsel, and for  
9 communication with others of his or her choice by  
10 visitation, mail and telephone; and

11 (4) direct that the sheriff deliver the defendant as  
12 required for appearances in connection with court  
13 proceedings.

14 (i) Detention. If the court enters an order for the  
15 detention of the defendant pursuant to subsection (e) of this  
16 Section, the defendant shall be brought to trial on the  
17 offense for which he is detained within 90 days after the date  
18 on which the order for detention was entered. If the defendant  
19 is not brought to trial within the 90-day period required by  
20 the preceding sentence, he shall not be denied pretrial  
21 release. In computing the 90-day period, the court shall omit  
22 any period of delay resulting from a continuance granted at  
23 the request of the defendant and any period of delay resulting  
24 from a continuance granted at the request of the State with  
25 good cause shown pursuant to Section 103-5.

26 (i-5) At each subsequent appearance of the defendant

1 before the court, the judge must find that continued detention  
2 is necessary to avoid a real and present threat to the safety  
3 of any person or persons or the community, based on the  
4 specific articulable facts of the case, or to prevent the  
5 defendant's willful flight from prosecution.

6 (j) Rights of the defendant. The defendant shall be  
7 entitled to appeal any order entered under this Section  
8 denying his or her pretrial release.

9 (k) Appeal. The State may appeal any order entered under  
10 this Section denying any motion for denial of pretrial  
11 release.

12 (l) Presumption of innocence. Nothing in this Section  
13 shall be construed as modifying or limiting in any way the  
14 defendant's presumption of innocence in further criminal  
15 proceedings.

16 (m) Interest of victims.

17 (1) Crime victims shall be given notice by the State's  
18 Attorney's office of this hearing as required in paragraph  
19 (1) of subsection (b) of Section 4.5 of the Rights of Crime  
20 Victims and Witnesses Act and shall be informed of their  
21 opportunity at this hearing to obtain a protective order.

22 (2) If the defendant is denied pretrial release, the  
23 court may impose a no contact provision with the victim or  
24 other interested party that shall be enforced while the  
25 defendant remains in custody.

26 (Source: P.A. 103-822, eff. 1-1-25; 104-417, eff. 8-15-25.)

1 Section 25. The Unified Code of Corrections is amended by  
2 changing Sections 3-2.5-80, 3-14-2, 5-4.5-10, 5-4.5-95, 5-7-1,  
3 and 5-8-1 and by adding Section 5-4.5-21 as follows:

4 (730 ILCS 5/3-2.5-80)

5 Sec. 3-2.5-80. Supervision on aftercare release.

6 (a) The Department shall retain custody of all youth  
7 placed on aftercare release or released under Section 3-2.5-85  
8 or 3-3-10 of this Code. The Department shall supervise those  
9 youth during their aftercare release period in accordance with  
10 the conditions set by the Department or Prisoner Review Board.

11 (b) A copy of youth's conditions of aftercare release  
12 shall be signed by the youth and given to the youth and to his  
13 or her aftercare specialist who shall report on the youth's  
14 progress under the rules of the Department. Aftercare  
15 specialists and supervisors shall have the full power of peace  
16 officers in the retaking of any releasee who has allegedly  
17 violated his or her aftercare release conditions. The  
18 aftercare specialist may request the Department of Juvenile  
19 Justice to issue a warrant for the arrest of any releasee who  
20 has allegedly violated his or her aftercare release  
21 conditions.

22 (c) The aftercare supervisor shall request the Department  
23 of Juvenile Justice to issue an aftercare release violation  
24 warrant, and the Department of Juvenile Justice shall issue an

1 aftercare release violation warrant, under the following  
2 circumstances:

3 (1) if the releasee has a subsequent delinquency  
4 petition filed against him or her alleging commission of  
5 an act that constitutes a felony using a firearm or knife;

6 (2) if the releasee is required to and fails to comply  
7 with the requirements of the Sex Offender Registration  
8 Act;

9 (3) (blank); or

10 (4) if the releasee is on aftercare release for a  
11 murder, a felony murder, a Class X felony, or a Class 1  
12 felony violation of the Criminal Code of 2012, or any  
13 felony that requires registration as a sex offender under  
14 the Sex Offender Registration Act and a subsequent  
15 delinquency petition is filed against him or her alleging  
16 commission of an act that constitutes first degree murder,  
17 a felony murder, a Class X felony, a Class 1 felony, a  
18 Class 2 felony, or a Class 3 felony.

19 Personnel designated by the Department of Juvenile Justice  
20 or another peace officer may detain an alleged aftercare  
21 release violator until a warrant for his or her return to the  
22 Department of Juvenile Justice can be issued. The releasee may  
23 be delivered to any secure place until he or she can be  
24 transported to the Department of Juvenile Justice. The  
25 aftercare specialist or the Department of Juvenile Justice  
26 shall file a violation report with notice of charges with the

1 Department.

2 (d) The aftercare specialist shall regularly advise and  
3 consult with the releasee and assist the youth in adjusting to  
4 community life in accord with this Section.

5 (e) If the aftercare releasee has been convicted of a sex  
6 offense as defined in the Sex Offender Management Board Act,  
7 the aftercare specialist shall periodically, but not less than  
8 once a month, verify that the releasee is in compliance with  
9 paragraph (7.6) of subsection (a) of Section 3-3-7.

10 (f) The aftercare specialist shall keep those records as  
11 the Department may require. All records shall be entered in  
12 the master file of the youth.

13 (Source: P.A. 98-558, eff. 1-1-14; 99-268, eff. 1-1-16;  
14 99-628, eff. 1-1-17.)

15 (730 ILCS 5/3-14-2) (from Ch. 38, par. 1003-14-2)

16 Sec. 3-14-2. Supervision on Parole, Mandatory Supervised  
17 Release and Release by Statute.

18 (a) The Department shall retain custody of all persons  
19 placed on parole or mandatory supervised release or released  
20 pursuant to Section 3-3-10 of this Code and shall supervise  
21 such persons during their parole or release period in accord  
22 with the conditions set by the Prisoner Review Board. When  
23 setting conditions, the Prisoner Review Board shall make an  
24 individualized assessment as to what conditions are  
25 appropriate based on the risk and needs assessment, program

1 participation and completion, assignment history while  
2 incarcerated, and behavior history during the period of the  
3 incarceration and involve only such deprivations of liberty or  
4 property as are reasonably necessary to protect the public  
5 from the person's conduct in the underlying conviction or  
6 violation. In determining conditions, the Prisoner Review  
7 Board shall also consider the reasonableness of imposing  
8 additional conditions on the person and the extent to which  
9 the conditions impact the person's work, education, community  
10 service, financial, and family caregiving obligations. Such  
11 conditions shall include referral to an alcohol or drug abuse  
12 treatment program, as appropriate, if such person has  
13 previously been identified as having an alcohol or drug abuse  
14 problem. Such conditions may include that the person use an  
15 approved electronic monitoring device subject to Article 8A of  
16 Chapter V.

17 (b) The Department shall assign personnel to assist  
18 persons eligible for parole in preparing a parole plan. Such  
19 Department personnel shall make a report of their efforts and  
20 findings to the Prisoner Review Board prior to its  
21 consideration of the case of such eligible person.

22 (c) A copy of the conditions of his parole or release shall  
23 be signed by the parolee or releasee and given to him and to  
24 his supervising officer who shall report on his progress under  
25 the rules and regulations of the Prisoner Review Board. The  
26 supervising officer shall report violations to the Prisoner

1 Review Board and shall have the full power of peace officers in  
2 the arrest and retaking of any parolees or releasees or the  
3 officer may request the Department to issue a warrant for the  
4 arrest of any parolee or releasee who has allegedly violated  
5 his parole or release conditions.

6 (c-1) The supervising officer shall request the Department  
7 to issue a parole violation warrant, and the Department shall  
8 issue a parole violation warrant, under the following  
9 circumstances:

10 (1) if the parolee or releasee commits an act that  
11 constitutes a felony using a firearm or knife,

12 (2) if applicable, fails to comply with the  
13 requirements of the Sex Offender Registration Act,

14 (3) if the parolee or releasee is charged with:

15 (A) a felony offense of domestic battery under  
16 Section 12-3.2 of the Criminal Code of 1961 or the  
17 Criminal Code of 2012,

18 (B) aggravated domestic battery under Section  
19 12-3.3 of the Criminal Code of 1961 or the Criminal  
20 Code of 2012,

21 (C) stalking under Section 12-7.3 of the Criminal  
22 Code of 1961 or the Criminal Code of 2012,

23 (D) aggravated stalking under Section 12-7.4 of  
24 the Criminal Code of 1961 or the Criminal Code of 2012,

25 (E) violation of an order of protection under  
26 Section 12-3.4 or 12-30 of the Criminal Code of 1961 or

1 the Criminal Code of 2012, or

2 (F) any offense that would require registration as  
3 a sex offender under the Sex Offender Registration  
4 Act, or

5 (4) if the parolee or releasee is on parole or  
6 mandatory supervised release for a murder, a felony  
7 murder, a Class X felony or a Class 1 felony violation of  
8 the Criminal Code of 1961 or the Criminal Code of 2012, or  
9 any felony that requires registration as a sex offender  
10 under the Sex Offender Registration Act and commits an act  
11 that constitutes first degree murder, a felony murder, a  
12 Class X felony, a Class 1 felony, a Class 2 felony, or a  
13 Class 3 felony.

14 A sheriff or other peace officer may detain an alleged  
15 parole or release violator until a warrant for his return to  
16 the Department can be issued. The parolee or releasee may be  
17 delivered to any secure place until he can be transported to  
18 the Department. The officer or the Department shall file a  
19 violation report with notice of charges with the Prisoner  
20 Review Board.

21 (d) The supervising officer shall regularly advise and  
22 consult with the parolee or releasee, assist him in adjusting  
23 to community life, inform him of the restoration of his rights  
24 on successful completion of sentence under Section 5-5-5, and  
25 provide the parolee or releasee with an electronic copy of the  
26 Department of Corrections system of graduated responses as set

1     forth under subparagraph (D) of paragraph (1) of subsection  
2     (b) of Section 10 of the Illinois Crime Reduction Act of 2009  
3     and any sanctions matrix based on that system. If the parolee  
4     or releasee has been convicted of a sex offense as defined in  
5     the Sex Offender Management Board Act, the supervising officer  
6     shall periodically, but not less than once a month, verify  
7     that the parolee or releasee is in compliance with paragraph  
8     (7.6) of subsection (a) of Section 3-3-7.

9             (d-1) At least once every 6 months, the supervising  
10     officer of a parolee or releasee shall review the case of the  
11     parolee or releasee to assess the parolee's or releasee's  
12     progress and suitability for early discharge under subsection  
13     (b) of Section 3-3-8 and provide a recommendation for either  
14     early discharge or the continuation of parole or mandatory  
15     supervised release as previously ordered. The recommendation  
16     and the rationale for the recommendation shall be noted in the  
17     Department's case management system. Within 30 days of  
18     receiving the supervising officer's recommendation, the  
19     Department shall provide a copy of the final recommendation,  
20     in writing or electronically, to the Prisoner Review Board and  
21     to the parolee or releasee. If an early discharge  
22     recommendation was not provided, the supervising officer shall  
23     share the list of steps or requirements that the person must  
24     complete or meet to be granted an early discharge  
25     recommendation at a subsequent review under agency guidelines.  
26     The Department shall develop guidelines and policies to

1 support the regular review of parolees and releasees for early  
2 discharge consideration and the timely notification of the  
3 Prisoner Review Board when early discharge is recommended.

4 (d-2) Supervising officers shall schedule meetings, which  
5 are required under paragraph (3) of subsection (a) of Section  
6 3-3-7 as a condition of parole or mandatory supervised  
7 release, at such times and locations that take into  
8 consideration the medical needs, caregiving obligations, and  
9 work schedule of a parolee or releasee.

10 (d-3) To comply with the provisions of subsection (d-2),  
11 in lieu of requiring the parolee or releasee to appear in  
12 person for the required reporting or meetings, supervising  
13 officers may utilize technology, including cellular and other  
14 electronic communication devices or platforms, that allows for  
15 communication between the supervised individual and the  
16 supervising officer.

17 (e) Supervising officers shall receive specialized  
18 training in the special needs of female releasees or parolees  
19 including the family reunification process.

20 (f) The supervising officer shall keep such records as the  
21 Prisoner Review Board or Department may require. All records  
22 shall be entered in the master file of the individual.

23 (Source: P.A. 103-271, eff. 1-1-24.)

24 (730 ILCS 5/5-4.5-10)

25 Sec. 5-4.5-10. OFFENSE CLASSIFICATIONS.

1 (a) FELONY CLASSIFICATIONS. Felonies are classified, for  
2 the purpose of sentencing, as follows:

3 (1) First degree murder (as a separate class of  
4 felony).

5 (1.5) Felony murder (as a separate class of felony).

6 (2) Class X felonies.

7 (3) Class 1 felonies.

8 (4) Class 2 felonies.

9 (5) Class 3 felonies.

10 (6) Class 4 felonies.

11 (b) MISDEMEANOR CLASSIFICATIONS. Misdemeanors are  
12 classified, for the purpose of sentencing, as follows:

13 (1) Class A misdemeanors.

14 (2) Class B misdemeanors.

15 (3) Class C misdemeanors.

16 (c) PETTY AND BUSINESS OFFENSES. Petty offenses and  
17 business offenses are not classified.

18 (Source: P.A. 95-1052, eff. 7-1-09.)

19 (730 ILCS 5/5-4.5-21 new)

20 Sec. 5-4.5-21. FELONY MURDER; SENTENCE.

21 For felony murder:

22 (a) TERM. The sentence of imprisonment shall be a  
23 determinate sentence of not less than 8 years and not more than  
24 40 years, subject to Section 5-4.5-115. The sentence of  
25 imprisonment for extended term felony murder, as provided in

1 Section 5-8-2, subject to Section 5-4.5-115, shall be a term  
2 not less than 16 years and not more than 80 years.

3 (b) PERIODIC IMPRISONMENT. A sentence of periodic  
4 imprisonment shall be for a definite term of from 3 to 4 years,  
5 except as otherwise provided in Section 5-5-3 or 5-7-1.

6 (c) IMPACT INCARCERATION. See Sections 5-8-1.1 and 5-8-1.2  
7 concerning eligibility for the impact incarceration program or  
8 the county impact incarceration program.

9 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided  
10 in Section 5-5-3 or 5-6-2, the period of probation or  
11 conditional discharge shall not exceed 4 years. The court  
12 shall specify the conditions of probation or conditional  
13 discharge as set forth in Section 5-6-3. In no case shall an  
14 offender be eligible for a disposition of probation or  
15 conditional discharge for felony murder committed while he or  
16 she was serving a term of probation or conditional discharge  
17 for a felony.

18 (e) FINE. Fines may be imposed as provided in subsection  
19 (b) of Section 5-4.5-50.

20 (f) RESTITUTION. See Section 5-5-6 concerning restitution.

21 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall  
22 be concurrent or consecutive as provided in Section 5-8-4 and  
23 Section 5-4.5-50.

24 (h) DRUG COURT. See Section 20 of the Drug Court Treatment  
25 Act concerning eligibility for a drug court program.

26 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100

1 concerning credit for time spent in home detention prior to  
2 judgment.

3 (j) SENTENCE CREDIT. See Section 3-6-3 of this Code or the  
4 County Jail Good Behavior Allowance Act for rules and  
5 regulations for sentence credit.

6 (k) ELECTRONIC MONITORING AND HOME DETENTION. See Section  
7 5-8A-3 concerning eligibility for electronic monitoring and  
8 home detention.

9 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as  
10 provided in Section 3-3-8 or 5-8-1, the parole or mandatory  
11 supervised release term shall be 2 years upon release from  
12 imprisonment.

13 (730 ILCS 5/5-4.5-95)

14 Sec. 5-4.5-95. GENERAL RECIDIVISM PROVISIONS.

15 (a) HABITUAL CRIMINALS.

16 (1) Every person who has been twice convicted in any  
17 state or federal court of an offense that contains the  
18 same elements as an offense now (the date of the offense  
19 committed after the 2 prior convictions) classified in  
20 Illinois as a Class X felony, criminal sexual assault,  
21 aggravated kidnapping, felony murder, or first degree  
22 murder, and who is thereafter convicted of a Class X  
23 felony, criminal sexual assault, felony murder, or first  
24 degree murder, committed after the 2 prior convictions,  
25 shall be adjudged an habitual criminal.

1           (2) The 2 prior convictions need not have been for the  
2 same offense.

3           (3) Any convictions that result from or are connected  
4 with the same transaction, or result from offenses  
5 committed at the same time, shall be counted for the  
6 purposes of this Section as one conviction.

7           (4) This Section does not apply unless each of the  
8 following requirements are satisfied:

9           (A) The third offense was committed after July 3,  
10 1980.

11           (B) The third offense was committed within 20  
12 years of the date that judgment was entered on the  
13 first conviction; provided, however, that time spent  
14 in custody shall not be counted.

15           (C) The third offense was committed after  
16 conviction on the second offense.

17           (D) The second offense was committed after  
18 conviction on the first offense.

19           (E) The first offense was committed when the  
20 person was 21 years of age or older.

21           (5) Anyone who is adjudged an habitual criminal shall  
22 be sentenced to a term of natural life imprisonment.

23           (6) A prior conviction shall not be alleged in the  
24 indictment, and no evidence or other disclosure of that  
25 conviction shall be presented to the court or the jury  
26 during the trial of an offense set forth in this Section

1 unless otherwise permitted by the issues properly raised  
2 in that trial. After a plea or verdict or finding of guilty  
3 and before sentence is imposed, the prosecutor may file  
4 with the court a verified written statement signed by the  
5 State's Attorney concerning any former conviction of an  
6 offense set forth in this Section rendered against the  
7 defendant. The court shall then cause the defendant to be  
8 brought before it; shall inform the defendant of the  
9 allegations of the statement so filed, and of his or her  
10 right to a hearing before the court on the issue of that  
11 former conviction and of his or her right to counsel at  
12 that hearing; and unless the defendant admits such  
13 conviction, shall hear and determine the issue, and shall  
14 make a written finding thereon. If a sentence has  
15 previously been imposed, the court may vacate that  
16 sentence and impose a new sentence in accordance with this  
17 Section.

18 (7) A duly authenticated copy of the record of any  
19 alleged former conviction of an offense set forth in this  
20 Section shall be prima facie evidence of that former  
21 conviction; and a duly authenticated copy of the record of  
22 the defendant's final release or discharge from probation  
23 granted, or from sentence and parole supervision (if any)  
24 imposed pursuant to that former conviction, shall be prima  
25 facie evidence of that release or discharge.

26 (8) Any claim that a previous conviction offered by

1 the prosecution is not a former conviction of an offense  
2 set forth in this Section because of the existence of any  
3 exceptions described in this Section, is waived unless  
4 duly raised at the hearing on that conviction, or unless  
5 the prosecution's proof shows the existence of the  
6 exceptions described in this Section.

7 (9) If the person so convicted shows to the  
8 satisfaction of the court before whom that conviction was  
9 had that he or she was released from imprisonment, upon  
10 either of the sentences upon a pardon granted for the  
11 reason that he or she was innocent, that conviction and  
12 sentence shall not be considered under this Section.

13 (b) When a defendant, over the age of 21 years, is  
14 convicted of a Class 1 or Class 2 forcible felony after having  
15 twice been convicted in any state or federal court of an  
16 offense that contains the same elements as an offense now (the  
17 date the Class 1 or Class 2 forcible felony was committed)  
18 classified in Illinois as a Class 2 or greater Class forcible  
19 felony and those charges are separately brought and tried and  
20 arise out of different series of acts, that defendant shall be  
21 sentenced as a Class X offender. This subsection does not  
22 apply unless:

23 (1) the first forcible felony was committed after  
24 February 1, 1978 (the effective date of Public Act  
25 80-1099);

26 (2) the second forcible felony was committed after

1 conviction on the first;

2 (3) the third forcible felony was committed after  
3 conviction on the second; and

4 (4) the first offense was committed when the person  
5 was 21 years of age or older.

6 (c) (Blank).

7 A person sentenced as a Class X offender under this  
8 subsection (b) is not eligible to apply for treatment as a  
9 condition of probation as provided by Section 40-10 of the  
10 Substance Use Disorder Act (20 ILCS 301/40-10).

11 (Source: P.A. 100-3, eff. 1-1-18; 100-759, eff. 1-1-19;  
12 101-652, eff. 7-1-21.)

13 (730 ILCS 5/5-7-1) (from Ch. 38, par. 1005-7-1)

14 Sec. 5-7-1. Sentence of periodic imprisonment.

15 (a) A sentence of periodic imprisonment is a sentence of  
16 imprisonment during which the committed person may be released  
17 for periods of time during the day or night or for periods of  
18 days, or both, or if convicted of a felony, other than first  
19 degree murder, a Class X or Class 1 felony, committed to any  
20 county, municipal, or regional correctional or detention  
21 institution or facility in this State for such periods of time  
22 as the court may direct. Unless the court orders otherwise,  
23 the particular times and conditions of release shall be  
24 determined by the Department of Corrections, the sheriff, or  
25 the Superintendent of the house of corrections, who is

1 administering the program.

2 (b) A sentence of periodic imprisonment may be imposed to  
3 permit the defendant to:

4 (1) seek employment;

5 (2) work;

6 (3) conduct a business or other self-employed  
7 occupation including housekeeping;

8 (4) attend to family needs;

9 (5) attend an educational institution, including  
10 vocational education;

11 (6) obtain medical or psychological treatment;

12 (7) perform work duties at a county, municipal, or  
13 regional correctional or detention institution or  
14 facility;

15 (8) continue to reside at home with or without  
16 supervision involving the use of an approved electronic  
17 monitoring device, subject to Article 8A of Chapter V; or

18 (9) for any other purpose determined by the court.

19 (c) Except where prohibited by other provisions of this  
20 Code, the court may impose a sentence of periodic imprisonment  
21 for a felony or misdemeanor on a person who is 17 years of age  
22 or older. The court shall not impose a sentence of periodic  
23 imprisonment if it imposes a sentence of imprisonment upon the  
24 defendant in excess of 90 days.

25 (d) A sentence of periodic imprisonment shall be for a  
26 definite term of from 3 to 4 years for a felony murder, a Class

1 1 felony, 18 to 30 months for a Class 2 felony, and up to 18  
2 months, or the longest sentence of imprisonment that could be  
3 imposed for the offense, whichever is less, for all other  
4 offenses; however, no person shall be sentenced to a term of  
5 periodic imprisonment longer than one year if he is committed  
6 to a county correctional institution or facility, and in  
7 conjunction with that sentence participate in a county work  
8 release program comparable to the work and day release program  
9 provided for in Article 13 of Chapter III of this Code in State  
10 facilities. The term of the sentence shall be calculated upon  
11 the basis of the duration of its term rather than upon the  
12 basis of the actual days spent in confinement. No sentence of  
13 periodic imprisonment shall be subject to the good time credit  
14 provisions of Section 3-6-3 of this Code.

15 (e) When the court imposes a sentence of periodic  
16 imprisonment, it shall state:

17 (1) the term of such sentence;

18 (2) the days or parts of days which the defendant is to  
19 be confined;

20 (3) the conditions.

21 (f) The court may issue an order of protection pursuant to  
22 the Illinois Domestic Violence Act of 1986 as a condition of a  
23 sentence of periodic imprisonment. The Illinois Domestic  
24 Violence Act of 1986 shall govern the issuance, enforcement  
25 and recording of orders of protection issued under this  
26 Section. A copy of the order of protection shall be

1 transmitted to the person or agency having responsibility for  
2 the case.

3 (f-5) An offender sentenced to a term of periodic  
4 imprisonment for a felony sex offense as defined in the Sex  
5 Offender Management Board Act shall be required to undergo and  
6 successfully complete sex offender treatment by a treatment  
7 provider approved by the Board and conducted in conformance  
8 with the standards developed under the Sex Offender Management  
9 Board Act.

10 (g) An offender sentenced to periodic imprisonment who  
11 undergoes mandatory drug or alcohol testing, or both, or is  
12 assigned to be placed on an approved electronic monitoring  
13 device, shall be ordered to pay the costs incidental to such  
14 mandatory drug or alcohol testing, or both, and costs  
15 incidental to such approved electronic monitoring in  
16 accordance with the defendant's ability to pay those costs.  
17 The county board with the concurrence of the Chief Judge of the  
18 judicial circuit in which the county is located shall  
19 establish reasonable fees for the cost of maintenance,  
20 testing, and incidental expenses related to the mandatory drug  
21 or alcohol testing, or both, and all costs incidental to  
22 approved electronic monitoring, of all offenders with a  
23 sentence of periodic imprisonment. The concurrence of the  
24 Chief Judge shall be in the form of an administrative order.  
25 The fees shall be collected by the clerk of the circuit court,  
26 except as provided in an administrative order of the Chief

1 Judge of the circuit court. The clerk of the circuit court  
2 shall pay all moneys collected from these fees to the county  
3 treasurer who shall use the moneys collected to defray the  
4 costs of drug testing, alcohol testing, and electronic  
5 monitoring. The county treasurer shall deposit the fees  
6 collected in the county working cash fund under Section  
7 6-27001 or Section 6-29002 of the Counties Code, as the case  
8 may be.

9 (h) All fees and costs imposed under this Section for any  
10 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle  
11 Code, or a similar provision of a local ordinance, and any  
12 violation of the Child Passenger Protection Act, or a similar  
13 provision of a local ordinance, shall be collected and  
14 disbursed by the circuit clerk as provided under the Criminal  
15 and Traffic Assessment Act.

16 The Chief Judge of the circuit court of the county may by  
17 administrative order establish a program for electronic  
18 monitoring of offenders, in which a vendor supplies and  
19 monitors the operation of the electronic monitoring device,  
20 and collects the fees on behalf of the county. The program  
21 shall include provisions for indigent offenders and the  
22 collection of unpaid fees. The program shall not unduly burden  
23 the offender and shall be subject to review by the Chief Judge.

24 The Chief Judge of the circuit court may suspend any  
25 additional charges or fees for late payment, interest, or  
26 damage to any device.

1 (i) A defendant at least 17 years of age who is convicted  
2 of a misdemeanor or felony in a county of 3,000,000 or more  
3 inhabitants and who has not been previously convicted of a  
4 misdemeanor or a felony and who is sentenced to a term of  
5 periodic imprisonment may as a condition of his or her  
6 sentence be required by the court to attend educational  
7 courses designed to prepare the defendant for a high school  
8 diploma and to work toward receiving a high school diploma or  
9 to work toward passing high school equivalency testing or to  
10 work toward completing a vocational training program approved  
11 by the court. The defendant sentenced to periodic imprisonment  
12 must attend a public institution of education to obtain the  
13 educational or vocational training required by this subsection  
14 (i). The defendant sentenced to a term of periodic  
15 imprisonment shall be required to pay for the cost of the  
16 educational courses or high school equivalency testing if a  
17 fee is charged for those courses or testing. The court shall  
18 revoke the sentence of periodic imprisonment of the defendant  
19 who wilfully fails to comply with this subsection (i). The  
20 court shall resentence the defendant whose sentence of  
21 periodic imprisonment has been revoked as provided in Section  
22 5-7-2. This subsection (i) does not apply to a defendant who  
23 has a high school diploma or has successfully passed high  
24 school equivalency testing. This subsection (i) does not apply  
25 to a defendant who is determined by the court to be a person  
26 with a developmental disability or otherwise mentally

1 incapable of completing the educational or vocational program.  
2 (Source: P.A. 100-987, eff. 7-1-19; 101-81, eff. 7-12-19.)

3 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

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

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

11 (1) for first degree murder,

12 (a) (blank),

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

21 (b-5) a defendant who at the time of the  
22 commission of the offense has attained the age of 18 or  
23 more and who has been found guilty of first degree  
24 murder may be sentenced to a term of natural life  
25 imprisonment if:

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

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

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

18           (4) the murdered individual was killed in the  
19 course of another felony if:

20           (A) the murdered individual:

21           (i) was actually killed by the  
22 defendant, or

23           (ii) received physical injuries  
24 personally inflicted by the defendant  
25 substantially contemporaneously with  
26 physical injuries caused by one or more

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

20 (B) in performing the acts which caused  
21 the death of the murdered individual or which  
22 resulted in physical injuries personally  
23 inflicted by the defendant on the murdered  
24 individual under the circumstances of  
25 subdivision (ii) of clause (A) of this clause  
26 (4), the defendant acted with the intent to

1 kill the murdered individual or with the  
2 knowledge that his or her acts created a  
3 strong probability of death or great bodily  
4 harm to the murdered individual or another;  
5 and

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

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

1           this clause (5), "participating in any criminal  
2           investigation or prosecution" is intended to  
3           include those appearing in the proceedings in any  
4           capacity such as trial judges, prosecutors,  
5           defense attorneys, investigators, witnesses, or  
6           jurors;

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

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

25          (8) the murder was committed in a cold,  
26          calculated and premeditated manner pursuant to a

1           preconceived plan, scheme, or design to take a  
2           human life by unlawful means, and the conduct of  
3           the defendant created a reasonable expectation  
4           that the death of a human being would result  
5           therefrom;

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

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

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

24          (12) the murdered individual was a person with  
25          a disability and the defendant knew or should have  
26          known that the murdered individual was a person

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

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

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

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

24 (16) the murdered individual was a member of a  
25 congregation engaged in prayer or other religious  
26 activities at a church, synagogue, mosque, or

1 other building, structure, or place used for  
2 religious worship; or

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

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

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

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

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

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

25 (iii) is found guilty of murdering a peace  
26 officer, fireman, or emergency management worker

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

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

19 (v) is found guilty of murdering an emergency  
20 medical technician - ambulance, emergency medical  
21 technician - intermediate, emergency medical  
22 technician - paramedic, ambulance driver, or other  
23 medical assistance or first aid person while  
24 employed by a municipality or other governmental  
25 unit when the person was killed in the course of  
26 performing official duties or to prevent the

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

9 (vi) (blank), or

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

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

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

26 (ii) if, during the commission of the offense, the

1 person personally discharged a firearm, 20 years shall  
2 be added to the term of imprisonment imposed by the  
3 court;

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

11 (2) (blank);

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

24 (b) (Blank).

25 (c) (Blank).

26 (d) Subject to earlier termination under Section 3-3-8,

1 the parole or mandatory supervised release term shall be  
2 written as part of the sentencing order and shall be as  
3 follows:

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

8 (1.1) except as otherwise provided in Section 3-3-8,  
9 for felony murder, 2 years;

10 (1.5) except as provided in paragraph (7) of this  
11 subsection (d), for a Class X felony except for the  
12 offenses of predatory criminal sexual assault of a child,  
13 aggravated criminal sexual assault, and criminal sexual  
14 assault if committed on or after December 13, 2005 (the  
15 effective date of Public Act 94-715) and except for the  
16 offense of aggravated child pornography under Section  
17 11-20.1B, 11-20.3, or 11-20.1 with sentencing under  
18 subsection (c-5) of Section 11-20.1 of the Criminal Code  
19 of 1961 or the Criminal Code of 2012, if committed on or  
20 after January 1, 2009, and except for the offense of  
21 obscene depiction of a purported child with sentencing  
22 under subsection (d) of Section 11-20.4 of the Criminal  
23 Code of 2012, 18 months;

24 (2) except as provided in paragraph (7) of this  
25 subsection (d), for a Class 1 felony or a Class 2 felony  
26 except for the offense of criminal sexual assault if

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

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

25 (4) for defendants who commit the offense of predatory  
26 criminal sexual assault of a child, aggravated criminal

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

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

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

26 (7) for any felony described in paragraph (a) (2) (ii),

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

19 (A) Class X felony, 3 years;

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

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

22 (e) (Blank).

23 (f) (Blank).

24 (g) Notwithstanding any other provisions of this Act and  
25 of Public Act 101-652: (i) the provisions of paragraph (3) of  
26 subsection (d) are effective on July 1, 2022 and shall apply to

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

7 (Source: P.A. 103-51, eff. 1-1-24; 103-825, eff. 1-1-25;  
8 104-245, eff. 1-1-26; 104-417, eff. 8-15-25.)