

# SB3745



## 104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB3745

Introduced 2/5/2026, by Sen. Chapin Rose

### SYNOPSIS AS INTRODUCED:

730 ILCS 5/5-5-3.2

Amends the Unified Code of Corrections. Provides that it is a factor that shall be accorded weight in favor of imposing a term of imprisonment or may be considered by the court as reasons to impose a more severe sentence that the defendant committed an act of sexual conduct or sexual penetration with a student at a school and the defendant was employed as school personnel and the act of sexual conduct or sexual penetration occurred, regardless of the place of occurrence of the act of sexual conduct or sexual penetration, at the time the defendant was employed as school personnel. Defines "school personnel" and "student".

LRB104 18073 RLC 31512 b

A BILL FOR

1 AN ACT concerning criminal law.

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

4 Section 5. The Unified Code of Corrections is amended by  
5 changing Section 5-5-3.2 as follows:

6 (730 ILCS 5/5-5-3.2)

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

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

13 (1) the defendant's conduct caused or threatened  
14 serious harm;

15 (2) the defendant received compensation for committing  
16 the offense;

17 (3) the defendant has a history of prior delinquency  
18 or criminal activity;

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

23 (5) the defendant held public office at the time of

1 the offense, and the offense related to the conduct of  
2 that office;

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

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

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

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

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

26 (11) the offense took place in a place of worship or on

1 the grounds of a place of worship, immediately prior to,  
2 during or immediately following worship services. For  
3 purposes of this subparagraph, "place of worship" shall  
4 mean any church, synagogue or other building, structure or  
5 place used primarily for religious worship;

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

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

18 (14) the defendant held a position of trust or  
19 supervision such as, but not limited to, family member as  
20 defined in Section 11-0.1 of the Criminal Code of 2012,  
21 teacher, scout leader, baby sitter, or day care worker, in  
22 relation to a victim under 18 years of age, and the  
23 defendant committed an offense in violation of Section  
24 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,  
25 11-14.4 except for an offense that involves keeping a  
26 place of commercial sexual exploitation of a child,

1 11-15.1, 11-19.1, 11-19.2, 11-20.1, 11-20.1B, 11-20.3,  
2 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code  
3 of 1961 or the Criminal Code of 2012 against that victim;

4 (15) the defendant committed an offense related to the  
5 activities of an organized gang. For the purposes of this  
6 factor, "organized gang" has the meaning ascribed to it in  
7 Section 10 of the Streetgang Terrorism Omnibus Prevention  
8 Act;

9 (16) the defendant committed an offense in violation  
10 of one of the following Sections while in a school,  
11 regardless of the time of day or time of year; on any  
12 conveyance owned, leased, or contracted by a school to  
13 transport students to or from school or a school related  
14 activity; on the real property of a school; or on a public  
15 way within 1,000 feet of the real property comprising any  
16 school: Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30,  
17 11-1.40, 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1,  
18 11-18.1, 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2,  
19 12-4.3, 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1,  
20 12-15, 12-16, 18-2, or 33A-2, or Section 12-3.05 except  
21 for subdivision (a)(4) or (g)(1), of the Criminal Code of  
22 1961 or the Criminal Code of 2012;

23 (16.5) the defendant committed an offense in violation  
24 of one of the following Sections while in a day care  
25 center, regardless of the time of day or time of year; on  
26 the real property of a day care center, regardless of the

1 time of day or time of year; or on a public way within  
2 1,000 feet of the real property comprising any day care  
3 center, regardless of the time of day or time of year:  
4 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,  
5 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,  
6 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,  
7 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,  
8 18-2, or 33A-2, or Section 12-3.05 except for subdivision  
9 (a)(4) or (g)(1), of the Criminal Code of 1961 or the  
10 Criminal Code of 2012;

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

18 (18) the defendant committed the offense in a nursing  
19 home or on the real property comprising a nursing home.  
20 For the purposes of this paragraph (18), "nursing home"  
21 means a skilled nursing or intermediate long term care  
22 facility that is subject to license by the Illinois  
23 Department of Public Health under the Nursing Home Care  
24 Act, the Specialized Mental Health Rehabilitation Act of  
25 2013, the ID/DD Community Care Act, or the MC/DD Act;

26 (19) the defendant was a federally licensed firearm

1 dealer and was previously convicted of a violation of  
2 subsection (a) of Section 3 of the Firearm Owners  
3 Identification Card Act and has now committed either a  
4 felony violation of the Firearm Owners Identification Card  
5 Act or an act of armed violence while armed with a firearm;

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

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

22 (22) the defendant committed the offense against a  
23 person that the defendant knew, or reasonably should have  
24 known, was a member of the Armed Forces of the United  
25 States serving on active duty. For purposes of this clause  
26 (22), the term "Armed Forces" means any of the Armed

1 Forces of the United States, including a member of any  
2 reserve component thereof or National Guard unit called to  
3 active duty;

4 (23) the defendant committed the offense against a  
5 person who was elderly or infirm or who was a person with a  
6 disability by taking advantage of a family or fiduciary  
7 relationship with the elderly or infirm person or person  
8 with a disability;

9 (24) the defendant committed any offense under Section  
10 11-20.1 of the Criminal Code of 1961 or the Criminal Code  
11 of 2012 and possessed 100 or more images;

12 (25) the defendant committed the offense while the  
13 defendant or the victim was in a train, bus, or other  
14 vehicle used for public transportation;

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

1 in, or posed in any act of sexual penetration or bound,  
2 fettered, or subject to sadistic, masochistic, or  
3 sadomasochistic abuse in a sexual context;

4 (26.5) the defendant committed the offense of obscene  
5 depiction of a purported child, specifically including  
6 paragraph (2) of subsection (b) of Section 11-20.4 of the  
7 Criminal Code of 2012 if a child engaged in, solicited  
8 for, depicted in, or posed in any act of sexual  
9 penetration or bound, fettered, or subject to sadistic,  
10 masochistic, or sadomasochistic abuse in a sexual context;

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

1 way as to confer a public benefit;

2 (28) the defendant committed the offense of assault,  
3 aggravated assault, battery, aggravated battery, robbery,  
4 armed robbery, or aggravated robbery against a person that  
5 the defendant knew or reasonably should have known was a  
6 letter carrier or postal worker while that person was  
7 performing his or her duties delivering mail for the  
8 United States Postal Service;

9 (29) the defendant committed the offense of criminal  
10 sexual assault, aggravated criminal sexual assault,  
11 criminal sexual abuse, or aggravated criminal sexual abuse  
12 against a victim with an intellectual disability, and the  
13 defendant holds a position of trust, authority, or  
14 supervision in relation to the victim;

15 (30) the defendant committed the offense of promoting  
16 commercial sexual exploitation of a child, patronizing a  
17 person engaged in the sex trade, or patronizing a sexually  
18 exploited child and at the time of the commission of the  
19 offense knew that the person engaged in the sex trade or  
20 sexually exploited child was in the custody or  
21 guardianship of the Department of Children and Family  
22 Services;

23 (31) the defendant (i) committed the offense of  
24 driving while under the influence of alcohol, other drug  
25 or drugs, intoxicating compound or compounds or any  
26 combination thereof in violation of Section 11-501 of the

1 Illinois Vehicle Code or a similar provision of a local  
2 ordinance and (ii) the defendant during the commission of  
3 the offense was driving his or her vehicle upon a roadway  
4 designated for one-way traffic in the opposite direction  
5 of the direction indicated by official traffic control  
6 devices;

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

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

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

1           (35) the defendant committed an act of sexual conduct  
2           or sexual penetration, as defined in Section 11-0.1 of the  
3           Criminal Code of 2012, with a student at a school and the  
4           defendant was employed as school personnel and the act of  
5           sexual conduct or sexual penetration occurred, regardless  
6           of the place of occurrence of the act of sexual conduct or  
7           sexual penetration, at the time the defendant was employed  
8           as school personnel.

9           For the purposes of this Section:

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

12          "School personnel" means an employee of a school district,  
13          including an administrator or a certified or non-certified  
14          school employee.

15          "Student" means a person who attended the school at the  
16          time the school personnel was employed by the school.

17          "Day care center" means a public or private State  
18          certified and licensed day care center as defined in Section  
19          2.09 of the Child Care Act of 1969 that displays a sign in  
20          plain view stating that the property is a day care center.

21          "Intellectual disability" means significantly subaverage  
22          intellectual functioning which exists concurrently with  
23          impairment in adaptive behavior.

24          "Public transportation" means the transportation or  
25          conveyance of persons by means available to the general  
26          public, and includes paratransit services.

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

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

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

17 (2) When a defendant is convicted of any felony and  
18 the court finds that the offense was accompanied by  
19 exceptionally brutal or heinous behavior indicative of  
20 wanton cruelty; or

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

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

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

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

3           (4) When a defendant is convicted of any felony and  
4           the offense involved any of the following types of  
5           specific misconduct committed as part of a ceremony, rite,  
6           initiation, observance, performance, practice or activity  
7           of any actual or ostensible religious, fraternal, or  
8           social group:

9           (i) the brutalizing or torturing of humans or  
10          animals;

11          (ii) the theft of human corpses;

12          (iii) the kidnapping of humans;

13          (iv) the desecration of any cemetery, religious,  
14          fraternal, business, governmental, educational, or  
15          other building or property; or

16          (v) ritualized abuse of a child; or

17          (5) When a defendant is convicted of a felony other  
18          than conspiracy and the court finds that the felony was  
19          committed under an agreement with 2 or more other persons  
20          to commit that offense and the defendant, with respect to  
21          the other individuals, occupied a position of organizer,  
22          supervisor, financier, or any other position of management  
23          or leadership, and the court further finds that the felony  
24          committed was related to or in furtherance of the criminal  
25          activities of an organized gang or was motivated by the  
26          defendant's leadership in an organized gang; or

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

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

14           (8) When a defendant commits any felony and the  
15 defendant used, possessed, exercised control over, or  
16 otherwise directed an animal to assault a law enforcement  
17 officer engaged in the execution of his or her official  
18 duties or in furtherance of the criminal activities of an  
19 organized gang in which the defendant is engaged; or

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

23           (c) The following factors may be considered by the court  
24 as reasons to impose an extended term sentence under Section  
25 5-8-2 upon any offender for the listed offenses:

26           (1) When a defendant is convicted of first degree

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

7 (1.5) When a defendant is convicted of first degree  
8 murder, after having been previously convicted of domestic  
9 battery or aggravated domestic battery committed on the  
10 same victim or after having been previously convicted of  
11 violation of an order of protection in which the same  
12 victim was the protected person.

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

18 (3) When a defendant is convicted of aggravated  
19 criminal sexual assault or criminal sexual assault, when  
20 there is a finding that aggravated criminal sexual assault  
21 or criminal sexual assault was also committed on the same  
22 victim by one or more other individuals, and the defendant  
23 voluntarily participated in the crime with the knowledge  
24 of the participation of the others in the crime, and the  
25 commission of the crime was part of a single course of  
26 conduct during which there was no substantial change in

1 the nature of the criminal objective.

2 (4) If the victim was under 18 years of age at the time  
3 of the commission of the offense, when a defendant is  
4 convicted of aggravated criminal sexual assault or  
5 predatory criminal sexual assault of a child under  
6 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)  
7 of Section 12-14.1 of the Criminal Code of 1961 or the  
8 Criminal Code of 2012.

9 (5) When a defendant is convicted of a felony  
10 violation of Section 24-1 of the Criminal Code of 1961 or  
11 the Criminal Code of 2012 and there is a finding that the  
12 defendant is a member of an organized gang.

13 (6) When a defendant was convicted of unlawful  
14 possession of weapons under Section 24-1 of the Criminal  
15 Code of 1961 or the Criminal Code of 2012 for possessing a  
16 weapon that is not readily distinguishable as one of the  
17 weapons enumerated in Section 24-1 of the Criminal Code of  
18 1961 or the Criminal Code of 2012.

19 (7) When a defendant is convicted of an offense  
20 involving the illegal manufacture of a controlled  
21 substance under Section 401 of the Illinois Controlled  
22 Substances Act, the illegal manufacture of methamphetamine  
23 under Section 25 of the Methamphetamine Control and  
24 Community Protection Act, or the illegal possession of  
25 explosives and an emergency response officer in the  
26 performance of his or her duties is killed or injured at

1 the scene of the offense while responding to the emergency  
2 caused by the commission of the offense. In this  
3 paragraph, "emergency" means a situation in which a  
4 person's life, health, or safety is in jeopardy; and  
5 "emergency response officer" means a peace officer,  
6 community policing volunteer, fireman, emergency medical  
7 technician-ambulance, emergency medical  
8 technician-intermediate, emergency medical  
9 technician-paramedic, ambulance driver, other medical  
10 assistance or first aid personnel, or hospital emergency  
11 room personnel.

12 (8) When the defendant is convicted of attempted mob  
13 action, solicitation to commit mob action, or conspiracy  
14 to commit mob action under Section 8-1, 8-2, or 8-4 of the  
15 Criminal Code of 2012, where the criminal object is a  
16 violation of Section 25-1 of the Criminal Code of 2012,  
17 and an electronic communication is used in the commission  
18 of the offense. For the purposes of this paragraph (8),  
19 "electronic communication" shall have the meaning provided  
20 in Section 26.5-0.1 of the Criminal Code of 2012.

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

24 (e) The court may impose an extended term sentence under  
25 Article 4.5 of Chapter V upon an offender who has been  
26 convicted of a felony violation of Section 11-1.20, 11-1.30,

1 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or  
2 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012  
3 when the victim of the offense is under 18 years of age at the  
4 time of the commission of the offense and, during the  
5 commission of the offense, the victim was under the influence  
6 of alcohol, regardless of whether or not the alcohol was  
7 supplied by the offender; and the offender, at the time of the  
8 commission of the offense, knew or should have known that the  
9 victim had consumed alcohol.

10 (Source: P.A. 103-822, eff. 1-1-25; 103-825, eff. 1-1-25;  
11 103-1071, eff. 7-1-25; 104-245, eff. 1-1-26; 104-417, eff.  
12 8-15-25; revised 9-17-25.)