

SB3779



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB3779

Introduced 2/5/2026, by Sen. Jil Tracy

SYNOPSIS AS INTRODUCED:

730 ILCS 5/5-8-1

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

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

LRB104 18963 RLC 32408 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 5-8-1 as follows:

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

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

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

14 (1) for first degree murder,

15 (a) (blank),

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

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

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

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

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

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

25 (A) the murdered individual:

26 (i) was actually killed by the

1 defendant, or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (i) has previously been convicted of first

1 degree murder under any state or federal law, or

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

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

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

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

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

14 (vi) (blank), or

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

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

1 caused by the defendant.

2 As used in clause (viii):

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

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

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

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

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

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

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

4 (2) (blank);

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

17 (b) (Blank).

18 (c) (Blank).

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

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

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

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

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

16 (4) for defendants who commit the offense of predatory
17 criminal sexual assault of a child, aggravated criminal
18 sexual assault, or criminal sexual assault, on or after
19 December 13, 2005 (the effective date of Public Act
20 94-715), or who commit the offense of aggravated child
21 pornography under Section 11-20.1B, 11-20.3, or 11-20.1
22 with sentencing under subsection (c-5) of Section 11-20.1
23 of the Criminal Code of 1961 or the Criminal Code of 2012,
24 manufacture of child sexual abuse material, or
25 dissemination of child sexual abuse material after January
26 1, 2009, or who commit the offense of obscene depiction of

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

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

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

17 (7) for any felony described in paragraph (a)(2)(ii),
18 (a)(2)(iii), (a)(2)(iv), (a)(2)(vi), (a)(2.1), (a)(2.3),
19 (a)(2.4), (a)(2.5), or (a)(2.6) of Article 5, Section
20 3-6-3 of the Unified Code of Corrections requiring an
21 inmate to serve a minimum of 85% of their court-imposed
22 sentence, except for the offenses of predatory criminal
23 sexual assault of a child, aggravated criminal sexual
24 assault, and criminal sexual assault if committed on or
25 after December 13, 2005 (the effective date of Public Act
26 94-715) and except for the offense of aggravated child

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

10 (A) Class X felony, 3 years;

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

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

13 (e) (Blank).

14 (f) (Blank).

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

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