



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

SB3892

Introduced 2/6/2026, by Sen. Neil Anderson

#### SYNOPSIS AS INTRODUCED:

30 ILCS 105/5.790	
720 ILCS 5/9-1	from Ch. 38, par. 9-1
720 ILCS 5/11-1.20	was 720 ILCS 5/12-13
720 ILCS 5/11-1.30	was 720 ILCS 5/12-14
720 ILCS 5/11-1.40	was 720 ILCS 5/12-14.1
720 ILCS 5/11-1.50	was 720 ILCS 5/12-15
720 ILCS 5/11-1.60	was 720 ILCS 5/12-16
725 ILCS 5/119-1	
730 ILCS 5/5-4.5-20	
730 ILCS 5/5-8-1	from Ch. 38, par. 1005-8-1

Amends the State Finance Act. Changes the name of the Death Penalty Abolition Fund to the Death Penalty Restoration Fund. Amends the Criminal Code of 2012. Permits the imposition of the death penalty for first degree murder, criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, criminal sexual abuse, with the exception of certain offenses committed by persons under 17 years of age and those in which the victim is at least 13 years of age and under 17 years of age and the defendant is less than 5 years older than the victim, or aggravated criminal sexual abuse. Amends the Code of Criminal Procedure of 1963. Eliminates the provision that abolished the death penalty on July 1, 2011. Amends the Unified Code of Corrections to make conforming changes.

LRB104 17925 RLC 31362 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 State Finance Act is amended by changing  
5 Section 5.790 as follows:

6 (30 ILCS 105/5.790)

7 Sec. 5.790. The Death Penalty Restoration ~~Abolition~~ Fund.

8 (Source: P.A. 96-1543, eff. 7-1-11; 97-813, eff. 7-13-12.)

9 Section 10. The Criminal Code of 2012 is amended by  
10 changing Sections 9-1, 11-1.20, 11-1.30, 11-1.40, 11-1.50, and  
11 11-1.60 as follows:

12 (720 ILCS 5/9-1) (from Ch. 38, par. 9-1)

13 Sec. 9-1. First degree murder.

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

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

20 (2) he or she knows that such acts create a strong  
21 probability of death or great bodily harm to that

1 individual or another; or

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

8 (a-5) Sentence. A person convicted of first degree murder  
9 may be sentenced to death. If a person convicted of first  
10 degree murder is not sentenced to death, the person may be  
11 sentenced to a term of imprisonment as provided in Chapter V of  
12 the Unified Code of Corrections.

13 (b) (Blank).

14 (b-5) (Blank).

15 (c) (Blank).

16 (d) (Blank).

17 (e) (Blank).

18 (f) (Blank).

19 (g) (Blank).

20 (h) (Blank).

21 (h-5) (Blank).

22 (i) (Blank).

23 (j) (Blank).

24 (k) (Blank).

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

1 (720 ILCS 5/11-1.20) (was 720 ILCS 5/12-13)

2 Sec. 11-1.20. Criminal sexual assault.

3 (a) A person commits criminal sexual assault if that  
4 person commits an act of sexual penetration and:

5 (1) uses force or threat of force;

6 (2) knows that the victim is unable to understand the  
7 nature of the act or is unable to give knowing consent;

8 (3) is a family member of the victim, and the victim is  
9 under 18 years of age; or

10 (4) is 17 years of age or over and holds a position of  
11 trust, authority, or supervision in relation to the  
12 victim, and the victim is at least 13 years of age but  
13 under 18 years of age.

14 (b) Sentence.

15 (1) Criminal sexual assault is a Class 1 felony for  
16 which the person may be sentenced to death. If not  
17 sentenced to death, the person shall be sentenced to a  
18 term of imprisonment for a Class 1 felony, except that:

19 (A) A person who is convicted of the offense of  
20 criminal sexual assault as defined in paragraph (a)(1)  
21 or (a)(2) after having previously been convicted of  
22 the offense of criminal sexual assault or the offense  
23 of exploitation of a child, or who is convicted of the  
24 offense of criminal sexual assault as defined in  
25 paragraph (a)(1) or (a)(2) after having previously  
26 been convicted under the laws of this State or any

1 other state of an offense that is substantially  
2 equivalent to the offense of criminal sexual assault  
3 or to the offense of exploitation of a child, commits a  
4 Class X felony for which the person shall be sentenced  
5 to a term of imprisonment of not less than 30 years and  
6 not more than 60 years, except that if the person is  
7 under the age of 18 years at the time of the offense,  
8 he or she shall be sentenced under Section 5-4.5-105  
9 of the Unified Code of Corrections. The commission of  
10 the second or subsequent offense is required to have  
11 been after the initial conviction for this paragraph  
12 (A) to apply.

13 (B) A person who has attained the age of 18 years  
14 at the time of the commission of the offense and who is  
15 convicted of the offense of criminal sexual assault as  
16 defined in paragraph (a)(1) or (a)(2) after having  
17 previously been convicted of the offense of aggravated  
18 criminal sexual assault or the offense of predatory  
19 criminal sexual assault of a child, or who is  
20 convicted of the offense of criminal sexual assault as  
21 defined in paragraph (a)(1) or (a)(2) after having  
22 previously been convicted under the laws of this State  
23 or any other state of an offense that is substantially  
24 equivalent to the offense of aggravated criminal  
25 sexual assault or the offense of predatory criminal  
26 sexual assault of a child shall be sentenced to a term

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

8 (C) A second or subsequent conviction for a  
9 violation of paragraph (a)(3) or (a)(4) or under any  
10 similar statute of this State or any other state for  
11 any offense involving criminal sexual assault that is  
12 substantially equivalent to or more serious than the  
13 sexual assault prohibited under paragraph (a)(3) or  
14 (a)(4) is a Class X felony.

15 (Source: P.A. 99-69, eff. 1-1-16.)

16 (720 ILCS 5/11-1.30) (was 720 ILCS 5/12-14)

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

18 (a) A person commits aggravated criminal sexual assault if  
19 that person commits criminal sexual assault and any of the  
20 following aggravating circumstances exist during the  
21 commission of the offense or, for purposes of paragraph (7),  
22 occur as part of the same course of conduct as the commission  
23 of the offense:

24 (1) the person displays, threatens to use, or uses a  
25 dangerous weapon, other than a firearm, or any other

1 object fashioned or used in a manner that leads the  
2 victim, under the circumstances, reasonably to believe  
3 that the object is a dangerous weapon;

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

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

8 (4) the person commits the criminal sexual assault  
9 during the course of committing or attempting to commit  
10 any other felony;

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

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

13 (7) the person delivers (by injection, inhalation,  
14 ingestion, transfer of possession, or any other means) any  
15 controlled substance to the victim without the victim's  
16 consent or by threat or deception for other than medical  
17 purposes;

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

19 (9) the person personally discharges a firearm during  
20 the commission of the offense; or

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

26 (b) A person commits aggravated criminal sexual assault if

1 that person is under 17 years of age and: (i) commits an act of  
2 sexual penetration with a victim who is under 9 years of age;  
3 or (ii) commits an act of sexual penetration with a victim who  
4 is at least 9 years of age but under 13 years of age and the  
5 person uses force or threat of force to commit the act.

6 (c) A person commits aggravated criminal sexual assault if  
7 that person commits an act of sexual penetration with a victim  
8 who is a person with a severe or profound intellectual  
9 disability.

10 (d) Sentence.

11 (0.05) A person convicted of aggravated criminal  
12 sexual assault may be sentenced to death. If a person  
13 convicted of aggravated criminal sexual assault is not  
14 sentenced to death, the person shall be sentenced as  
15 provided in paragraphs (1) and (2) of this subsection.

16 (1) Aggravated criminal sexual assault in violation of  
17 paragraph (2), (3), (4), (5), (6), or (7) of subsection  
18 (a) or in violation of subsection (b) or (c) is a Class X  
19 felony. A violation of subsection (a)(1) is a Class X  
20 felony for which 10 years shall be added to the term of  
21 imprisonment imposed by the court. A violation of  
22 subsection (a)(8) is a Class X felony for which 15 years  
23 shall be added to the term of imprisonment imposed by the  
24 court. A violation of subsection (a)(9) is a Class X  
25 felony for which 20 years shall be added to the term of  
26 imprisonment imposed by the court. A violation of

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

9 (2) A person who has attained the age of 18 years at  
10 the time of the commission of the offense and who is  
11 convicted of a second or subsequent offense of aggravated  
12 criminal sexual assault, or who is convicted of the  
13 offense of aggravated criminal sexual assault after having  
14 previously been convicted of the offense of criminal  
15 sexual assault or the offense of predatory criminal sexual  
16 assault of a child, or who is convicted of the offense of  
17 aggravated criminal sexual assault after having previously  
18 been convicted under the laws of this or any other state of  
19 an offense that is substantially equivalent to the offense  
20 of criminal sexual assault, the offense of aggravated  
21 criminal sexual assault or the offense of predatory  
22 criminal sexual assault of a child, shall be sentenced to  
23 a term of natural life imprisonment. The commission of the  
24 second or subsequent offense is required to have been  
25 after the initial conviction for this paragraph (2) to  
26 apply. An offender under the age of 18 years at the time of

1 the commission of the offense covered by this paragraph  
2 (2) shall be sentenced under Section 5-4.5-105 of the  
3 Unified Code of Corrections.

4 (Source: P.A. 99-69, eff. 1-1-16; 99-143, eff. 7-27-15;  
5 99-642, eff. 7-28-16.)

6 (720 ILCS 5/11-1.40) (was 720 ILCS 5/12-14.1)

7 Sec. 11-1.40. Predatory criminal sexual assault of a  
8 child.

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

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

16 (2) the victim is under 13 years of age and that  
17 person:

18 (A) is armed with a firearm;

19 (B) personally discharges a firearm during the  
20 commission of the offense;

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

22 (i) results in permanent disability; or

23 (ii) is life threatening; or

24 (D) delivers (by injection, inhalation, ingestion,  
25 transfer of possession, or any other means) any

1 controlled substance to the victim without the  
2 victim's consent or by threat or deception, for other  
3 than medical purposes.

4 (b) Sentence.

5 (0.05) A person convicted of predatory criminal sexual  
6 assault of a child may be sentenced to death. If a person  
7 convicted of predatory criminal sexual assault of a child  
8 is not sentenced to death, the person shall be sentenced  
9 as provided in paragraphs (1), (1.1), (1.2), and (2) of  
10 this subsection.

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

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

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

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

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

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

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

22 (720 ILCS 5/11-1.50) (was 720 ILCS 5/12-15)  
23 Sec. 11-1.50. Criminal sexual abuse.

24 (a) A person commits criminal sexual abuse if that person:

25 (1) commits an act of sexual conduct by the use of

1 force or threat of force; or

2 (2) commits an act of sexual conduct and knows that  
3 the victim is unable to understand the nature of the act or  
4 is unable to give knowing consent.

5 (b) A person commits criminal sexual abuse if that person  
6 is under 17 years of age and commits an act of sexual  
7 penetration or sexual conduct with a victim who is at least 9  
8 years of age but under 17 years of age.

9 (c) A person commits criminal sexual abuse if that person  
10 commits an act of sexual penetration or sexual conduct with a  
11 victim who is at least 13 years of age but under 17 years of  
12 age and the person is less than 5 years older than the victim.

13 (d) Sentence. Criminal sexual abuse for a violation of  
14 subsection (b) or (c) of this Section is a Class A misdemeanor.  
15 A person convicted of criminal sexual abuse under paragraph  
16 (1) or (2) of subsection (a) may be sentenced to death. If not  
17 sentenced to death, criminal ~~Criminal~~ sexual abuse for a  
18 violation of paragraph (1) or (2) of subsection (a) of this  
19 Section is a Class 4 felony. A second or subsequent conviction  
20 for a violation of subsection (a) of this Section, if not  
21 sentenced to death, is a Class 2 felony. For purposes of this  
22 Section it is a second or subsequent conviction if the accused  
23 has at any time been convicted under this Section or under any  
24 similar statute of this State or any other state for any  
25 offense involving sexual abuse or sexual assault that is  
26 substantially equivalent to or more serious than the sexual

1 abuse prohibited under this Section.

2 (Source: P.A. 96-1551, eff. 7-1-11.)

3 (720 ILCS 5/11-1.60) (was 720 ILCS 5/12-16)

4 Sec. 11-1.60. Aggravated criminal sexual abuse.

5 (a) A person commits aggravated criminal sexual abuse if  
6 that person commits criminal sexual abuse and any of the  
7 following aggravating circumstances exist (i) during the  
8 commission of the offense or (ii) for purposes of paragraph  
9 (7), as part of the same course of conduct as the commission of  
10 the offense:

11 (1) the person displays, threatens to use, or uses a  
12 dangerous weapon or any other object fashioned or used in  
13 a manner that leads the victim, under the circumstances,  
14 reasonably to believe that the object is a dangerous  
15 weapon;

16 (2) the person causes bodily harm to the victim;

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

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

19 (5) the person acts in a manner that threatens or  
20 endangers the life of the victim or any other person;

21 (6) the person commits the criminal sexual abuse  
22 during the course of committing or attempting to commit  
23 any other felony; or

24 (7) the person delivers (by injection, inhalation,  
25 ingestion, transfer of possession, or any other means) any

1 controlled substance to the victim for other than medical  
2 purposes without the victim's consent or by threat or  
3 deception.

4 (b) A person commits aggravated criminal sexual abuse if  
5 that person commits an act of sexual conduct with a victim who  
6 is under 18 years of age and the person is a family member.

7 (c) A person commits aggravated criminal sexual abuse if:

8 (1) that person is 17 years of age or over and: (i)  
9 commits an act of sexual conduct with a victim who is under  
10 13 years of age; or (ii) commits an act of sexual conduct  
11 with a victim who is at least 13 years of age but under 17  
12 years of age and the person uses force or threat of force  
13 to commit the act; or

14 (2) that person is under 17 years of age and: (i)  
15 commits an act of sexual conduct with a victim who is under  
16 9 years of age; or (ii) commits an act of sexual conduct  
17 with a victim who is at least 9 years of age but under 17  
18 years of age and the person uses force or threat of force  
19 to commit the act.

20 (d) A person commits aggravated criminal sexual abuse if  
21 that person commits an act of sexual penetration or sexual  
22 conduct with a victim who is at least 13 years of age but under  
23 17 years of age and the person is at least 5 years older than  
24 the victim.

25 (e) A person commits aggravated criminal sexual abuse if  
26 that person commits an act of sexual conduct with a victim who

1 is a person with a severe or profound intellectual disability.

2 (f) A person commits aggravated criminal sexual abuse if  
3 that person commits an act of sexual conduct with a victim who  
4 is but under 18 years of age and the person is 17 years of age  
5 or over and holds a position of trust, authority, or  
6 supervision in relation to the victim.

7 (g) Sentence. A person convicted of aggravated criminal  
8 sexual abuse may be sentenced to death. If not sentenced to  
9 death, a person convicted of aggravated ~~Aggravated~~ criminal  
10 sexual abuse for a violation of subsection (a), (b), (c), (d)  
11 or (e) of this Section is a Class 2 felony. If not sentenced to  
12 death a person convicted of aggravated ~~Aggravated~~ criminal  
13 sexual abuse for a violation of subsection (f) of this Section  
14 is a Class 1 felony.

15 (Source: P.A. 102-567, eff. 1-1-22.)

16 Section 15. The Code of Criminal Procedure of 1963 is  
17 amended by changing Section 119-1 as follows:

18 (725 ILCS 5/119-1)

19 Sec. 119-1. Death penalty restored ~~abolished~~.

20 (a) (Blank). ~~Beginning on July 1, 2011 (the effective date~~  
21 ~~of Public Act 96-1543), notwithstanding any other law to the~~  
22 ~~contrary, the death penalty is abolished and a sentence to~~  
23 ~~death may not be imposed.~~

24 (b) The Death Penalty Restoration ~~Abolition~~ Fund, a

1 special fund in the State treasury, shall be expended by the  
2 Illinois Criminal Justice Information Authority for services  
3 for families of victims of homicide or murder and for training  
4 of law enforcement personnel.

5 (Source: P.A. 104-2, eff. 6-16-25.)

6 Section 20. The Unified Code of Corrections is amended by  
7 changing Sections 5-4.5-20 and 5-8-1 as follows:

8 (730 ILCS 5/5-4.5-20)

9 Sec. 5-4.5-20. FIRST DEGREE MURDER; SENTENCE. For first  
10 degree murder:

11 (a) TERM. The defendant may be sentenced to death. If not  
12 sentenced to death, the ~~The~~ defendant shall be sentenced to  
13 imprisonment under Section 9-1 of the Criminal Code of 1961 or  
14 the Criminal Code of 2012. Imprisonment shall be for a  
15 determinate term, subject to Section 5-4.5-115 of this Code,  
16 of (1) not less than 20 years and not more than 60 years; (2)  
17 not less than 60 years and not more than 100 years when an  
18 extended term is imposed under Section 5-8-2; or (3) natural  
19 life as provided in Section 5-8-1.

20 (b) PERIODIC IMPRISONMENT. A term of periodic imprisonment  
21 shall not be imposed.

22 (c) IMPACT INCARCERATION. The impact incarceration program  
23 or the county impact incarceration program is not an  
24 authorized disposition.

1 (d) PROBATION; CONDITIONAL DISCHARGE. A period of  
2 probation or conditional discharge shall not be imposed.

3 (e) FINE. Fines may be imposed as provided in Section  
4 5-4.5-50(b).

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

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

9 (h) DRUG COURT. Drug court is not an authorized  
10 disposition.

11 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100  
12 concerning no credit for time spent in home detention prior to  
13 judgment.

14 (j) SENTENCE CREDIT. See Section 3-6-3 for rules and  
15 regulations for sentence credit.

16 (k) ELECTRONIC MONITORING AND HOME DETENTION. Electronic  
17 monitoring and home detention are not authorized dispositions,  
18 except in limited circumstances as provided in Section 5-8A-3.

19 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as  
20 provided in Section 3-3-8, the parole or mandatory supervised  
21 release term shall be 3 years upon release from imprisonment.

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

23 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

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

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

6 (1) for first degree murder,

7 (a) (blank),

8 (a-5) a sentence of death may be imposed. If the  
9 sentence of death is not imposed, the person shall be  
10 sentenced as provided in this Section or Section  
11 5-4.5-20,

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

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

25 (1) the murdered individual was an inmate at  
26 an institution or facility of the Department of

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

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

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

16 (4) the murdered individual was killed in the  
17 course of another felony if:

18 (A) the murdered individual:

19 (i) was actually killed by the  
20 defendant, or

21 (ii) received physical injuries  
22 personally inflicted by the defendant  
23 substantially contemporaneously with  
24 physical injuries caused by one or more  
25 persons for whose conduct the defendant is  
26 legally accountable under Section 5-2 of

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

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

1 strong probability of death or great bodily  
2 harm to the murdered individual or another;  
3 and

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

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

1 include those appearing in the proceedings in any  
2 capacity such as trial judges, prosecutors,  
3 defense attorneys, investigators, witnesses, or  
4 jurors;

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

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

23 (8) the murder was committed in a cold,  
24 calculated and premeditated manner pursuant to a  
25 preconceived plan, scheme, or design to take a  
26 human life by unlawful means, and the conduct of

1 the defendant created a reasonable expectation  
2 that the death of a human being would result  
3 therefrom;

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

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

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

22 (12) the murdered individual was a person with  
23 a disability and the defendant knew or should have  
24 known that the murdered individual was a person  
25 with a disability. For purposes of this clause  
26 (12), "person with a disability" means a person

1           who suffers from a permanent physical or mental  
2           impairment resulting from disease, an injury, a  
3           functional disorder, or a congenital condition  
4           that renders the person incapable of adequately  
5           providing for his or her own health or personal  
6           care;

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

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

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

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

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

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

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

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

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

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

23           (iii) is found guilty of murdering a peace  
24 officer, fireman, or emergency management worker  
25 when the peace officer, fireman, or emergency  
26 management worker was killed in the course of

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

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

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

1 defendant knew or should have known that the  
2 murdered individual was an emergency medical  
3 technician - ambulance, emergency medical  
4 technician - intermediate, emergency medical  
5 technician - paramedic, ambulance driver, or other  
6 medical assistant or first aid personnel, or

7 (vi) (blank), or

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

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

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

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

1 court;

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

9 (2) (blank);

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

22 (b) (Blank).

23 (c) (Blank).

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

1 follows:

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

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

20 (2) except as provided in paragraph (7) of this  
21 subsection (d), for a Class 1 felony or a Class 2 felony  
22 except for the offense of criminal sexual assault if  
23 committed on or after December 13, 2005 (the effective  
24 date of Public Act 94-715) and except for the offenses of  
25 manufacture and dissemination of child sexual abuse  
26 material under clauses (a)(1) and (a)(2) of Section

1 11-20.1 of the Criminal Code of 1961 or the Criminal Code  
2 of 2012, if committed on or after January 1, 2009, and  
3 except for the offense of obscene depiction of a purported  
4 child under paragraph (2) of subsection (b) of Section  
5 11-20.4 of the Criminal Code of 2012, 12 months;

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

21 (4) for defendants who commit the offense of predatory  
22 criminal sexual assault of a child, aggravated criminal  
23 sexual assault, or criminal sexual assault, on or after  
24 December 13, 2005 (the effective date of Public Act  
25 94-715), or who commit the offense of aggravated child  
26 pornography under Section 11-20.1B, 11-20.3, or 11-20.1

1 with sentencing under subsection (c-5) of Section 11-20.1  
2 of the Criminal Code of 1961 or the Criminal Code of 2012,  
3 manufacture of child sexual abuse material, or  
4 dissemination of child sexual abuse material after January  
5 1, 2009, or who commit the offense of obscene depiction of  
6 a purported child under paragraph (2) of subsection (b) of  
7 Section 11-20.4 of the Criminal Code of 2012 or who commit  
8 the offense of obscene depiction of a purported child with  
9 sentencing under subsection (d) of Section 11-20.4 of the  
10 Criminal Code of 2012, the term of mandatory supervised  
11 release shall range from a minimum of 3 years to a maximum  
12 of the natural life of the defendant;

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

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

22 (7) for any felony described in paragraph (a)(2)(ii),  
23 (a)(2)(iii), (a)(2)(iv), (a)(2)(vi), (a)(2.1), (a)(2.3),  
24 (a)(2.4), (a)(2.5), or (a)(2.6) of Article 5, Section  
25 3-6-3 of the Unified Code of Corrections requiring an  
26 inmate to serve a minimum of 85% of their court-imposed

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

15 (A) Class X felony, 3 years;

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

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

18 (e) (Blank).

19 (f) (Blank).

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

1 after the effective date of paragraphs (1.5) and (2) of  
2 subsection (d).

3 (Source: P.A. 103-51, eff. 1-1-24; 103-825, eff. 1-1-25;  
4 104-245, eff. 1-1-26; 104-417, eff. 8-15-25.)