

HB5532



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB5532

by Rep. Kelly M. Cassidy

SYNOPSIS AS INTRODUCED:

730 ILCS 5/5-8-1

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

Amends the Unified Code of Corrections. Provides that a mandatory supervised release term shall not be imposed and shall not be written as part of the sentencing order for a Class 4 felony, other than for an offense that constitutes domestic violence as defined in the Illinois Domestic Violence Act of 1986.

LRB100 16775 RLC 31915 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

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, according to the following
13 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 (a) (1) (c)
20 of this Section, that any of the aggravating factors
21 listed in subsection (b) or (b-5) of Section 9-1 of the
22 Criminal Code of 1961 or the Criminal Code of 2012 are
23 present, the court may sentence the defendant, subject

1 to Section 5-4.5-105, to a term of natural life
2 imprisonment, or

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

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

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

11 (iii) is found guilty of murdering a peace
12 officer, fireman, or emergency management worker
13 when the peace officer, fireman, or emergency
14 management worker was killed in the course of
15 performing his official duties, or to prevent the
16 peace officer or fireman from performing his
17 official duties, or in retaliation for the peace
18 officer, fireman, or emergency management worker
19 from performing his official duties, and the
20 defendant knew or should have known that the
21 murdered individual was a peace officer, fireman,
22 or emergency management worker, or

23 (iv) is found guilty of murdering an employee
24 of an institution or facility of the Department of
25 Corrections, or any similar local correctional
26 agency, when the employee was killed in the course

1 of performing his official duties, or to prevent
2 the employee from performing his official duties,
3 or in retaliation for the employee performing his
4 official duties, or

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

21 (vi) (blank), or

22 (vii) is found guilty of first degree murder
23 and the murder was committed by reason of any
24 person's activity as a community policing
25 volunteer or to prevent any person from engaging in
26 activity as a community policing volunteer. For

1 the purpose of this Section, "community policing
2 volunteer" has the meaning ascribed to it in
3 Section 2-3.5 of the Criminal Code of 2012.

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

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

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

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

23 (2) (blank);

24 (2.5) for a person who has attained the age of 18 years
25 at the time of the commission of the offense and who is
26 convicted under the circumstances described in subdivision

1 (b) (1) (B) of Section 11-1.20 or paragraph (3) of subsection
2 (b) of Section 12-13, subdivision (d) (2) of Section 11-1.30
3 or paragraph (2) of subsection (d) of Section 12-14,
4 subdivision (b) (1.2) of Section 11-1.40 or paragraph (1.2)
5 of subsection (b) of Section 12-14.1, subdivision (b) (2) of
6 Section 11-1.40 or paragraph (2) of subsection (b) of
7 Section 12-14.1 of the Criminal Code of 1961 or the
8 Criminal Code of 2012, the sentence shall be a term of
9 natural life imprisonment.

10 (b) (Blank).

11 (c) (Blank).

12 (d) Subject to earlier termination under Section 3-3-8, the
13 parole or mandatory supervised release term, if required by
14 this subsection (d), shall be written as part of the sentencing
15 order and shall be as follows:

16 (1) for first degree murder or a Class X felony except
17 for the offenses of predatory criminal sexual assault of a
18 child, aggravated criminal sexual assault, and criminal
19 sexual assault if committed on or after the effective date
20 of this amendatory Act of the 94th General Assembly and
21 except for the offense of aggravated child pornography
22 under Section 11-20.1B, 11-20.3, or 11-20.1 with
23 sentencing under subsection (c-5) of Section 11-20.1 of the
24 Criminal Code of 1961 or the Criminal Code of 2012, if
25 committed on or after January 1, 2009, 3 years;

26 (2) for a Class 1 felony or a Class 2 felony except for

1 the offense of criminal sexual assault if committed on or
2 after the effective date of this amendatory Act of the 94th
3 General Assembly and except for the offenses of manufacture
4 and dissemination of child pornography under clauses
5 (a)(1) and (a)(2) of Section 11-20.1 of the Criminal Code
6 of 1961 or the Criminal Code of 2012, if committed on or
7 after January 1, 2009, 2 years;

8 (3) for a Class 3 felony ~~or a Class 4 felony~~, 1 year;

9 (3.5) for a Class 4 felony which constitutes an offense
10 involving domestic violence as defined in Section 103 of
11 the Illinois Domestic Violence Act of 1986, other than an
12 offense listed in paragraph (6) of this subsection (d), one
13 year;

14 (4) for defendants who commit the offense of predatory
15 criminal sexual assault of a child, aggravated criminal
16 sexual assault, or criminal sexual assault, on or after the
17 effective date of this amendatory Act of the 94th General
18 Assembly, or who commit the offense of aggravated child
19 pornography under Section 11-20.1B, 11-20.3, or 11-20.1
20 with sentencing under subsection (c-5) of Section 11-20.1
21 of the Criminal Code of 1961 or the Criminal Code of 2012,
22 manufacture of child pornography, or dissemination of
23 child pornography after January 1, 2009, the term of
24 mandatory supervised release shall range from a minimum of
25 3 years to a maximum of the natural life of the defendant;

26 (5) if the victim is under 18 years of age, for a

1 second or subsequent offense of aggravated criminal sexual
2 abuse or felony criminal sexual abuse, 4 years, at least
3 the first 2 years of which the defendant shall serve in an
4 electronic monitoring or home detention program under
5 Article 8A of Chapter V of this Code;

6 (6) for a felony domestic battery, aggravated domestic
7 battery, stalking, aggravated stalking, and a felony
8 violation of an order of protection, 4 years.

9 A mandatory supervised release term shall not be imposed
10 and shall not be written as part of the sentencing order for a
11 Class 4 felony, other than for an offense listed in this
12 subsection (d).

13 (e) (Blank).

14 (f) (Blank).

15 (Source: P.A. 99-69, eff. 1-1-16; 99-875, eff. 1-1-17; 100-431,
16 eff. 8-25-17.)