



Sen. Robert Peters

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10200HB1095sam002

LRB102 03109 HEP 42019 a

1 AMENDMENT TO HOUSE BILL 1095

2 AMENDMENT NO. _____. Amend House Bill 1095, AS AMENDED,
3 with reference to page and line numbers of Senate Amendment
4 No. 1, on page 26, by replacing lines 5 through 7 with "in the
5 presence of another law enforcement officer."; and

6 on page 43, line 13, after "counties", by inserting "with a
7 population of 3,000,000 or less"; and

8 on page 130, by replacing lines 12 through 19 with the
9 following:

10 "(b) Whoever, having been released pretrial under
11 conditions for appearance before any court of this State,
12 while charged with a criminal offense in which the victim is a
13 family or household member as defined in Article 112A of the
14 Code of Criminal Procedure of 1963, knowingly violates a
15 condition of that release as set forth in Section 110-10,

1 subsection (d) of the Code of Criminal Procedure of 1963,
2 commits a Class A misdemeanor."; and

3 on page 163, line 10, by deleting "Section 214 of"; and

4 on page 282, line 5, after "Sections", by inserting "5-8-1,";
5 and

6 on page 282, by inserting immediately below line 6 the
7 following:

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

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

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

16 (1) for first degree murder,

17 (a) (blank),

18 (b) if a trier of fact finds beyond a reasonable
19 doubt that the murder was accompanied by exceptionally
20 brutal or heinous behavior indicative of wanton
21 cruelty or, except as set forth in subsection
22 (a) (1) (c) of this Section, that any of the aggravating

1 factors listed in subsection (b) or (b-5) of Section
2 9-1 of the Criminal Code of 1961 or the Criminal Code
3 of 2012 are present, the court may sentence the
4 defendant, subject to Section 5-4.5-105, to a term of
5 natural life imprisonment, or

6 (c) the court shall sentence the defendant to a
7 term of natural life imprisonment if the defendant, at
8 the time of the commission of the murder, had attained
9 the age of 18, and:

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

12 (ii) is found guilty of murdering more than
13 one victim, or

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

26 (iv) is found guilty of murdering an employee

1 of an institution or facility of the Department of
2 Corrections, or any similar local correctional
3 agency, when the employee was killed in the course
4 of performing his official duties, or to prevent
5 the employee from performing his official duties,
6 or in retaliation for the employee performing his
7 official duties, or

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

24 (vi) (blank), or

25 (vii) is found guilty of first degree murder
26 and the murder was committed by reason of any

1 person's activity as a community policing
2 volunteer or to prevent any person from engaging
3 in activity as a community policing volunteer. For
4 the purpose of this Section, "community policing
5 volunteer" has the meaning ascribed to it in
6 Section 2-3.5 of the Criminal Code of 2012.

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

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

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

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

26 (2) (blank);

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

13 (b) (Blank).

14 (c) (Blank).

15 (d) Subject to earlier termination under Section 3-3-8,
16 the parole or mandatory supervised release term shall be
17 written as part of the sentencing order and shall be as
18 follows:

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

23 (1.5) except as provided in paragraph (7) of this
24 subsection (d), for a Class X felony except for the
25 offenses of predatory criminal sexual assault of a child,
26 aggravated criminal sexual assault, and criminal sexual

1 assault if committed on or after December 13, 2005 (the
2 effective date of Public Act 94-715) and except for the
3 offense of aggravated child pornography under Section
4 11-20.1B, 11-20.3, or 11-20.1 with sentencing under
5 subsection (c-5) 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, 18 months;

8 (2) except as provided in paragraph (7) of this
9 subsection (d), for a Class 1 felony or a Class 2 felony
10 except for the offense of criminal sexual assault if
11 committed on or after December 13, 2005 (the effective
12 date of Public Act 94-715) and except for the offenses of
13 manufacture and dissemination of child pornography under
14 clauses (a)(1) and (a)(2) of Section 11-20.1 of the
15 Criminal Code of 1961 or the Criminal Code of 2012, if
16 committed on or after January 1, 2009, 12 months;

17 (3) except as provided in paragraph (4), (6), or (7)
18 of this subsection (d), ~~a mandatory supervised release~~
19 ~~term shall not be imposed~~ for a Class 3 felony or a Class 4
20 felony, 6 months; no later than 45 days after the onset of
21 the term of mandatory supervised release, the Prisoner
22 Review Board shall conduct a discretionary discharge
23 review pursuant to the provisions of Section 3-3-8, which
24 shall include the results of a standardized risk and needs
25 assessment tool administered by the Department of
26 Corrections; the changes to this paragraph (3) made by

1 this amendatory Act of the 102nd General Assembly apply to
2 all individuals released on mandatory supervised release
3 on or after the effective date of this amendatory Act of
4 the 102nd General Assembly, including those individuals
5 whose sentences were imposed prior to the effective date
6 of this amendatory Act of the 102nd General Assembly; †
7 ~~unless:~~

8 ~~(A) the Prisoner Review Board, based on a~~
9 ~~validated risk and needs assessment, determines it is~~
10 ~~necessary for an offender to serve a mandatory~~
11 ~~supervised release term;~~

12 ~~(B) if the Prisoner Review Board determines a~~
13 ~~mandatory supervised release term is necessary~~
14 ~~pursuant to subparagraph (A) of this paragraph (3),~~
15 ~~the Prisoner Review Board shall specify the maximum~~
16 ~~number of months of mandatory supervised release the~~
17 ~~offender may serve, limited to a term of: (i) 12 months~~
18 ~~for a Class 3 felony; and (ii) 12 months for a Class 4~~
19 ~~felony;~~

20 (4) for defendants who commit the offense of predatory
21 criminal sexual assault of a child, aggravated criminal
22 sexual assault, or criminal sexual assault, on or after
23 December 13, 2005 (the effective date of Public Act
24 94-715), or who commit the offense of aggravated child
25 pornography under Section 11-20.1B, 11-20.3, or 11-20.1
26 with sentencing under subsection (c-5) of Section 11-20.1

1 of the Criminal Code of 1961 or the Criminal Code of 2012,
2 manufacture of child pornography, or dissemination of
3 child pornography after January 1, 2009, the term of
4 mandatory supervised release shall range from a minimum of
5 3 years to a maximum of the natural life of the defendant;

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

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

15 (7) for any felony described in paragraph (a)(2)(ii),
16 (a)(2)(iii), (a)(2)(iv), (a)(2)(vi), (a)(2.1), (a)(2.3),
17 (a)(2.4), (a)(2.5), or (a)(2.6) of Article 5, Section
18 3-6-3 of the Unified Code of Corrections requiring an
19 inmate to serve a minimum of 85% of their court-imposed
20 sentence, except for the offenses of predatory criminal
21 sexual assault of a child, aggravated criminal sexual
22 assault, and criminal sexual assault if committed on or
23 after December 13, 2005 (the effective date of Public Act
24 94-715) and except for the offense of aggravated child
25 pornography under Section 11-20.1B, 11-20.3, or 11-20.1
26 with sentencing under subsection (c-5) of Section 11-20.1

1 of the Criminal Code of 1961 or the Criminal Code of 2012,
2 if committed on or after January 1, 2009 and except as
3 provided in paragraph (4) or paragraph (6) of this
4 subsection (d), the term of mandatory supervised release
5 shall be as follows:

6 (A) Class X felony, 3 years;

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

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

9 (e) (Blank).

10 (f) (Blank).

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

20 (Source: P.A. 101-288, eff. 1-1-20; 101-652, eff. 7-1-21;
21 102-28, eff. 6-25-21; 102-687, eff. 12-17-21; 102-694, eff.
22 1-7-22.)".