

# HB2213



## 103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB2213

Introduced 2/8/2023, by Rep. Justin Slaughter

### SYNOPSIS AS INTRODUCED:

720 ILCS 5/5-2

from Ch. 38, par. 5-2

Amends the Criminal Code of 2012. Creates the offense of accountability as a separate offense. Establishes penalties.

LRB103 25116 RLC 51453 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 Criminal Code of 2012 is amended by  
5 changing Section 5-2 as follows:

6 (720 ILCS 5/5-2) (from Ch. 38, par. 5-2)

7 Sec. 5-2. Accountability ~~When accountability exists.~~

8 (a) Elements of the offense. A person commits the offense  
9 of accountability when ~~A person is legally accountable for the~~  
10 ~~conduct of another when:~~

11 (1) (a) ~~having the a~~ mental state described by the  
12 accompanying ~~statute defining the~~ offense, he or she  
13 causes another to perform the conduct, and the other  
14 person in fact or by reason of legal incapacity lacks such  
15 a mental state;

16 (2) (b) the statute defining the accompanying offense  
17 makes him or her so accountable; or

18 (3) (c) either before or during the commission of the  
19 accompanying ~~an~~ offense, and with the intent to promote or  
20 facilitate that commission, he or she solicits, aids,  
21 abets, agrees, or attempts to aid the ~~that~~ other person in  
22 the planning or commission of the accompanying offense.

23 When 2 or more persons engage in a common criminal design

1 or agreement, any acts in ~~the~~ furtherance of that common  
2 design committed by one party are considered to be the acts of  
3 all the parties to the common design or agreement and all are  
4 ~~equally~~ responsible for the consequences of those further  
5 acts. Mere presence at the scene of a crime does not render a  
6 person accountable for either the offense of accountability  
7 under this Section or the accompanying ~~an~~ offense; a person's  
8 presence at the scene of a crime, however, may be considered  
9 with other circumstances by the trier of fact when determining  
10 accountability.

11 A person is not so accountable under this Section,  
12 however, unless the statute defining the accompanying offense  
13 provides otherwise, if:

14 (A) ~~(1)~~ he or she is the ~~a~~ victim of the accompanying  
15 offense committed;

16 (B) ~~(2)~~ the accompanying offense is so defined that  
17 his or her conduct was inevitably incident to its  
18 commission; or

19 (C) ~~(3)~~ before the commission of the offense, he or  
20 she terminates his or her effort to promote or facilitate  
21 that commission and does one of the following: (i) wholly  
22 deprives his or her prior efforts of effectiveness in that  
23 commission, (ii) gives timely warning to the proper law  
24 enforcement authorities, or (iii) otherwise makes proper  
25 efforts ~~effort~~ to prevent the commission of the  
26 accompanying offense.

1       (b) Sentence. A person convicted for the offense of  
2 accountability under this Section shall be sentenced in  
3 accordance with this subsection. No sentence shall be imposed  
4 for the accompanying offense.

5           (1) A person convicted of accountability for the  
6 accompanying offense, first degree murder, shall be  
7 sentenced to imprisonment for a determinate term, subject  
8 to Section 5-4.5-115 of the Unified Code of Corrections of  
9 not less than 10 years and not more than 30 years. The  
10 sentence of imprisonment for an extended term for a  
11 conviction of accountability for the accompanying offense,  
12 first degree murder, as provided in Section 5-8-2 of the  
13 Unified Code of Corrections, subject to Section 5-4.5-115  
14 of that Code, shall be not less than 30 years and not more  
15 than 50 years. Except as provided in Section 3-3-8 of the  
16 Unified Code of Corrections, the parole or mandatory  
17 supervised release term shall be 2 years upon release from  
18 imprisonment.

19           (2) A person convicted of accountability for an  
20 accompanying Class X felony shall be sentenced to  
21 imprisonment for a determinate term, subject to Section  
22 5-4.5-115 of the Unified Code of Corrections, of not less  
23 than 3 years and not more than 15 years. The sentence of  
24 imprisonment for an extended term for a conviction of  
25 accountability for an accompanying Class X felony, as  
26 provided in Section 5-8-2 of the Unified Code of

1 Corrections, subject to Section 5-4.5-115 of that Code,  
2 shall be not less than 15 years and not more than 30 years.  
3 Except as provided in Section 3-3-8 or 5-8-1 of the  
4 Unified Code of Corrections, the parole or mandatory  
5 supervised release term shall be 2 years upon release from  
6 imprisonment.

7 (3) A person convicted of accountability for an  
8 accompanying Class 1 felony, other than for second degree  
9 murder, shall be sentenced for a determinate term, subject  
10 to Section 5-4.5-115 of the Unified Code of Corrections,  
11 of not less than 2 years and not more than 7 years. The  
12 sentence of imprisonment for a person convicted of  
13 accountability for the accompanying offense, second degree  
14 murder, shall be a determinate term of not less than 2  
15 years and not more than 10 years, subject to Section  
16 5-4.5-115 of the Unified Code of Corrections. The sentence  
17 of imprisonment for an extended term for a conviction of  
18 accountability for an accompanying Class 1 felony, as  
19 provided in Section 5-8-2 of the Unified Code of  
20 Corrections, subject to Section 5-4.5-115 of that Code,  
21 shall be not less than 7 and one-half years and not more  
22 than 15 years. Except as provided in Section 3-3-8 or  
23 5-8-1 of the Unified Code of Corrections, the parole or  
24 mandatory supervised release term shall be one year upon  
25 release from imprisonment.

26 (4) A person convicted of accountability for an

1 accompanying Class 2 felony shall be sentenced to a  
2 determinate term of not less than one and one-half years  
3 and not more than 3 years. The sentence of imprisonment  
4 for an extended term for a conviction of accountability  
5 for an accompanying Class 2 felony, as provided in Section  
6 5-8-2 of the Unified Code of Corrections, shall be not  
7 less than 3 and one-half years and not more than 7 years.  
8 Except as provided in Section 3-3-8 or 5-8-1 of the  
9 Unified Code of Corrections, the parole or mandatory  
10 supervised release term shall be one year upon release  
11 from imprisonment.

12 (5) A person convicted of accountability for an  
13 accompanying Class 3 felony shall be sentenced to a  
14 determinate term of not less than one year and not more  
15 than 2 years. The sentence of imprisonment for an extended  
16 term for a conviction of accountability for an  
17 accompanying Class 3 felony, as provided in Section 5-8-2  
18 of the Unified Code of Corrections, shall be not less than  
19 2 and one-half years and not more than 5 years. Except as  
20 provided in Section 3-3-8 or 5-8-1 of the Unified Code of  
21 Corrections, the parole or mandatory supervised release  
22 term shall be 6 months upon release from imprisonment.

23 (6) The sentence for accountability for an  
24 accompanying felony, other than those specified in  
25 paragraphs (1), (2), (3), (4), and (5) of this subsection  
26 (b), is the sentence for a Class A misdemeanor. A

1 misdemeanor may be fined or imprisoned or both.

2 (7) Except as otherwise provided in Section 5-5-3 or  
3 5-7-1 of the Unified Code of Corrections, a term of  
4 periodic imprisonment shall not be imposed for the  
5 conviction of accountability for the accompanying offense  
6 of first degree murder; a sentence of periodic  
7 imprisonment shall be for a term of one and one-half years  
8 to 4 years for a conviction of accountability for an  
9 accompanying Class X felony under this Section; a sentence  
10 of periodic imprisonment shall be for a term of 9 to 30  
11 months for a conviction of accountability for an  
12 accompanying Class 1 felony under this Section; a sentence  
13 of periodic imprisonment shall be for a term of up to 18  
14 months for a conviction of accountability for an  
15 accompanying Class 2 felony under this Section; a sentence  
16 of periodic imprisonment shall be for a term of up to 12  
17 months for a conviction of accountability for an  
18 accompanying Class 3 felony under this Section; and a  
19 sentence of periodic imprisonment shall be for a definite  
20 term of up to 12 months for a conviction of accountability  
21 for any other accompanying felony not otherwise specified  
22 in this Section.

23 (8) The impact incarceration program or the county  
24 impact incarceration program is not an authorized  
25 disposition for the conviction of accountability for the  
26 accompanying offense of first degree murder under this

1 Section. Sections 5-8-1.1 and 5-8-1.2 of the Unified Code  
2 of Corrections govern the eligibility for the impact  
3 incarceration program or the county impact incarceration  
4 program for the conviction of accountability for the  
5 accompanying offense for all other felony classes under  
6 this Section.

7 (9) A period of probation or conditional discharge  
8 shall not be imposed for a conviction of accountability  
9 for the accompanying offense of first degree murder under  
10 this Section. Except as provided in Section 5-5-3 or 5-6-2  
11 of the Unified Code of Corrections, the period of  
12 probation or conditional discharge shall not exceed:

13 (A) 4 years for a conviction under this Section of  
14 accountability for an accompanying Class X felony. In  
15 no case shall an offender be eligible for a  
16 disposition of probation or conditional discharge for  
17 a Class X felony committed while he or she was serving  
18 a term of probation or conditional discharge for a  
19 felony;

20 (B) 4 years for a conviction of accountability for  
21 an accompanying Class 1 felony under this Section;

22 (C) 30 months for a conviction of accountability  
23 for an accompanying Class 2 felony under this Section;

24 (D) 30 months for a conviction of accountability  
25 for an accompanying Class 3 felony under this Section;  
26 and



1           (E) 18 months for a conviction of accountability  
2           for an accompanying felony other than those specified  
3           in paragraph (9).

4           (F) The court shall specify the conditions of  
5           probation or conditional discharge as set forth in  
6           Section 5-6-3 of the Unified Code of Corrections.

7           (10) Fines for accountability may be imposed as  
8           provided in subsection (b) of Section 5-4.5-50 of the  
9           Unified Code of Corrections.

10           (11) Restitution for accountability shall be governed  
11           by Section 5-5-6 of the Unified Code of Corrections.

12           (12) The sentence for accountability shall be  
13           concurrent or consecutive as provided in Section 5-8-4 and  
14           Section 5-4.5-50 of the Unified Code of Corrections.

15           (13) Section 20 of the Drug Court Treatment Act shall  
16           govern eligibility for a drug court program for  
17           accountability.

18           (14) Section 5-4.5-100 of the Unified Code of  
19           Corrections governs credit for time spent in home  
20           detention prior to judgment for accountability.

21           (15) Section 3-6-3 of the Unified Code of Corrections  
22           or the County Jail Good Behavior Allowance Act governs for  
23           rules and regulations for sentence credit for  
24           accountability.

25           (16) Section 5-8A-3 of the Unified Code of Corrections  
26           governs eligibility for electronic monitoring and home

1           detention for accountability.

2           (Source: P.A. 96-710, eff. 1-1-10.)