

# SB1863



## 103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB1863

Introduced 2/9/2023, by Sen. John F. Curran

### SYNOPSIS AS INTRODUCED:

730 ILCS 5/5-5-3.2

Amends the Unified Code of Corrections. Provides that if the defendant committed the offense in or on the grounds of a hospital, ambulatory surgical treatment center, physician's office, or other medical facility that treats patients and the offense was a crime of violence committed against a licensed health care professional or an employee of a hospital, ambulatory surgical treatment center, physician's office, or other medical facility that treats patients, this factor shall be accorded weight in favor of imposing a term of imprisonment or may be considered by the court as a reason to impose a more severe sentence.

LRB103 26113 RLC 52468 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 5-5-3.2 as follows:

6 (730 ILCS 5/5-5-3.2)

7 (Text of Section before amendment by P.A. 102-982)

8 Sec. 5-5-3.2. Factors in aggravation and extended-term  
9 sentencing.

10 (a) The following factors shall be accorded weight in  
11 favor of imposing a term of imprisonment or may be considered  
12 by the court as reasons to impose a more severe sentence under  
13 Section 5-8-1 or Article 4.5 of Chapter V:

14 (1) the defendant's conduct caused or threatened  
15 serious harm;

16 (2) the defendant received compensation for committing  
17 the offense;

18 (3) the defendant has a history of prior delinquency  
19 or criminal activity;

20 (4) the defendant, by the duties of his office or by  
21 his position, was obliged to prevent the particular  
22 offense committed or to bring the offenders committing it  
23 to justice;

1           (5) the defendant held public office at the time of  
2 the offense, and the offense related to the conduct of  
3 that office;

4           (6) the defendant utilized his professional reputation  
5 or position in the community to commit the offense, or to  
6 afford him an easier means of committing it;

7           (7) the sentence is necessary to deter others from  
8 committing the same crime;

9           (8) the defendant committed the offense against a  
10 person 60 years of age or older or such person's property;

11           (9) the defendant committed the offense against a  
12 person who has a physical disability or such person's  
13 property;

14           (10) by reason of another individual's actual or  
15 perceived race, color, creed, religion, ancestry, gender,  
16 sexual orientation, physical or mental disability, or  
17 national origin, the defendant committed the offense  
18 against (i) the person or property of that individual;  
19 (ii) the person or property of a person who has an  
20 association with, is married to, or has a friendship with  
21 the other individual; or (iii) the person or property of a  
22 relative (by blood or marriage) of a person described in  
23 clause (i) or (ii). For the purposes of this Section,  
24 "sexual orientation" has the meaning ascribed to it in  
25 paragraph (O-1) of Section 1-103 of the Illinois Human  
26 Rights Act;

1           (11) the offense took place in a place of worship or on  
2           the grounds of a place of worship, immediately prior to,  
3           during or immediately following worship services. For  
4           purposes of this subparagraph, "place of worship" shall  
5           mean any church, synagogue or other building, structure or  
6           place used primarily for religious worship;

7           (12) the defendant was convicted of a felony committed  
8           while he was on pretrial release or his own recognizance  
9           pending trial for a prior felony and was convicted of such  
10          prior felony, or the defendant was convicted of a felony  
11          committed while he was serving a period of probation,  
12          conditional discharge, or mandatory supervised release  
13          under subsection (d) of Section 5-8-1 for a prior felony;

14          (13) the defendant committed or attempted to commit a  
15          felony while he was wearing a bulletproof vest. For the  
16          purposes of this paragraph (13), a bulletproof vest is any  
17          device which is designed for the purpose of protecting the  
18          wearer from bullets, shot or other lethal projectiles;

19          (14) the defendant held a position of trust or  
20          supervision such as, but not limited to, family member as  
21          defined in Section 11-0.1 of the Criminal Code of 2012,  
22          teacher, scout leader, baby sitter, or day care worker, in  
23          relation to a victim under 18 years of age, and the  
24          defendant committed an offense in violation of Section  
25          11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,  
26          11-14.4 except for an offense that involves keeping a

1 place of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,  
2 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15  
3 or 12-16 of the Criminal Code of 1961 or the Criminal Code  
4 of 2012 against that victim;

5 (15) the defendant committed an offense related to the  
6 activities of an organized gang. For the purposes of this  
7 factor, "organized gang" has the meaning ascribed to it in  
8 Section 10 of the Streetgang Terrorism Omnibus Prevention  
9 Act;

10 (16) the defendant committed an offense in violation  
11 of one of the following Sections while in a school,  
12 regardless of the time of day or time of year; on any  
13 conveyance owned, leased, or contracted by a school to  
14 transport students to or from school or a school related  
15 activity; on the real property of a school; or on a public  
16 way within 1,000 feet of the real property comprising any  
17 school: Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30,  
18 11-1.40, 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1,  
19 11-18.1, 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2,  
20 12-4.3, 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1,  
21 12-15, 12-16, 18-2, or 33A-2, or Section 12-3.05 except  
22 for subdivision (a)(4) or (g)(1), of the Criminal Code of  
23 1961 or the Criminal Code of 2012;

24 (16.5) the defendant committed an offense in violation  
25 of one of the following Sections while in a day care  
26 center, regardless of the time of day or time of year; on

1 the real property of a day care center, regardless of the  
2 time of day or time of year; or on a public way within  
3 1,000 feet of the real property comprising any day care  
4 center, regardless of the time of day or time of year:  
5 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,  
6 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,  
7 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,  
8 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,  
9 18-2, or 33A-2, or Section 12-3.05 except for subdivision  
10 (a)(4) or (g)(1), of the Criminal Code of 1961 or the  
11 Criminal Code of 2012;

12 (17) the defendant committed the offense by reason of  
13 any person's activity as a community policing volunteer or  
14 to prevent any person from engaging in activity as a  
15 community policing volunteer. For the purpose of this  
16 Section, "community policing volunteer" has the meaning  
17 ascribed to it in Section 2-3.5 of the Criminal Code of  
18 2012;

19 (18) the defendant committed the offense in a nursing  
20 home or on the real property comprising a nursing home.  
21 For the purposes of this paragraph (18), "nursing home"  
22 means a skilled nursing or intermediate long term care  
23 facility that is subject to license by the Illinois  
24 Department of Public Health under the Nursing Home Care  
25 Act, the Specialized Mental Health Rehabilitation Act of  
26 2013, the ID/DD Community Care Act, or the MC/DD Act;

1           (19) the defendant was a federally licensed firearm  
2 dealer and was previously convicted of a violation of  
3 subsection (a) of Section 3 of the Firearm Owners  
4 Identification Card Act and has now committed either a  
5 felony violation of the Firearm Owners Identification Card  
6 Act or an act of armed violence while armed with a firearm;

7           (20) the defendant (i) committed the offense of  
8 reckless homicide under Section 9-3 of the Criminal Code  
9 of 1961 or the Criminal Code of 2012 or the offense of  
10 driving under the influence of alcohol, other drug or  
11 drugs, intoxicating compound or compounds or any  
12 combination thereof under Section 11-501 of the Illinois  
13 Vehicle Code or a similar provision of a local ordinance  
14 and (ii) was operating a motor vehicle in excess of 20  
15 miles per hour over the posted speed limit as provided in  
16 Article VI of Chapter 11 of the Illinois Vehicle Code;

17           (21) the defendant (i) committed the offense of  
18 reckless driving or aggravated reckless driving under  
19 Section 11-503 of the Illinois Vehicle Code and (ii) was  
20 operating a motor vehicle in excess of 20 miles per hour  
21 over the posted speed limit as provided in Article VI of  
22 Chapter 11 of the Illinois Vehicle Code;

23           (22) the defendant committed the offense against a  
24 person that the defendant knew, or reasonably should have  
25 known, was a member of the Armed Forces of the United  
26 States serving on active duty. For purposes of this clause

1 (22), the term "Armed Forces" means any of the Armed  
2 Forces of the United States, including a member of any  
3 reserve component thereof or National Guard unit called to  
4 active duty;

5 (23) the defendant committed the offense against a  
6 person who was elderly or infirm or who was a person with a  
7 disability by taking advantage of a family or fiduciary  
8 relationship with the elderly or infirm person or person  
9 with a disability;

10 (24) the defendant committed any offense under Section  
11 11-20.1 of the Criminal Code of 1961 or the Criminal Code  
12 of 2012 and possessed 100 or more images;

13 (25) the defendant committed the offense while the  
14 defendant or the victim was in a train, bus, or other  
15 vehicle used for public transportation;

16 (26) the defendant committed the offense of child  
17 pornography or aggravated child pornography, specifically  
18 including paragraph (1), (2), (3), (4), (5), or (7) of  
19 subsection (a) of Section 11-20.1 of the Criminal Code of  
20 1961 or the Criminal Code of 2012 where a child engaged in,  
21 solicited for, depicted in, or posed in any act of sexual  
22 penetration or bound, fettered, or subject to sadistic,  
23 masochistic, or sadomasochistic abuse in a sexual context  
24 and specifically including paragraph (1), (2), (3), (4),  
25 (5), or (7) of subsection (a) of Section 11-20.1B or  
26 Section 11-20.3 of the Criminal Code of 1961 where a child



1 engaged in, solicited for, depicted in, or posed in any  
2 act of sexual penetration or bound, fettered, or subject  
3 to sadistic, masochistic, or sadomasochistic abuse in a  
4 sexual context;

5 (27) the defendant committed the offense of first  
6 degree murder, assault, aggravated assault, battery,  
7 aggravated battery, robbery, armed robbery, or aggravated  
8 robbery against a person who was a veteran and the  
9 defendant knew, or reasonably should have known, that the  
10 person was a veteran performing duties as a representative  
11 of a veterans' organization. For the purposes of this  
12 paragraph (27), "veteran" means an Illinois resident who  
13 has served as a member of the United States Armed Forces, a  
14 member of the Illinois National Guard, or a member of the  
15 United States Reserve Forces; and "veterans' organization"  
16 means an organization comprised of members of which  
17 substantially all are individuals who are veterans or  
18 spouses, widows, or widowers of veterans, the primary  
19 purpose of which is to promote the welfare of its members  
20 and to provide assistance to the general public in such a  
21 way as to confer a public benefit;

22 (28) the defendant committed the offense of assault,  
23 aggravated assault, battery, aggravated battery, robbery,  
24 armed robbery, or aggravated robbery against a person that  
25 the defendant knew or reasonably should have known was a  
26 letter carrier or postal worker while that person was

1 performing his or her duties delivering mail for the  
2 United States Postal Service;

3 (29) the defendant committed the offense of criminal  
4 sexual assault, aggravated criminal sexual assault,  
5 criminal sexual abuse, or aggravated criminal sexual abuse  
6 against a victim with an intellectual disability, and the  
7 defendant holds a position of trust, authority, or  
8 supervision in relation to the victim;

9 (30) the defendant committed the offense of promoting  
10 juvenile prostitution, patronizing a prostitute, or  
11 patronizing a minor engaged in prostitution and at the  
12 time of the commission of the offense knew that the  
13 prostitute or minor engaged in prostitution was in the  
14 custody or guardianship of the Department of Children and  
15 Family Services;

16 (31) the defendant (i) committed the offense of  
17 driving while under the influence of alcohol, other drug  
18 or drugs, intoxicating compound or compounds or any  
19 combination thereof in violation of Section 11-501 of the  
20 Illinois Vehicle Code or a similar provision of a local  
21 ordinance and (ii) the defendant during the commission of  
22 the offense was driving his or her vehicle upon a roadway  
23 designated for one-way traffic in the opposite direction  
24 of the direction indicated by official traffic control  
25 devices;

26 (32) the defendant committed the offense of reckless

1 homicide while committing a violation of Section 11-907 of  
2 the Illinois Vehicle Code;

3 (33) the defendant was found guilty of an  
4 administrative infraction related to an act or acts of  
5 public indecency or sexual misconduct in the penal  
6 institution. In this paragraph (33), "penal institution"  
7 has the same meaning as in Section 2-14 of the Criminal  
8 Code of 2012; or

9 (34) the defendant committed the offense of leaving  
10 the scene of an accident in violation of subsection (b) of  
11 Section 11-401 of the Illinois Vehicle Code and the  
12 accident resulted in the death of a person and at the time  
13 of the offense, the defendant was: (i) driving under the  
14 influence of alcohol, other drug or drugs, intoxicating  
15 compound or compounds or any combination thereof as  
16 defined by Section 11-501 of the Illinois Vehicle Code; or  
17 (ii) operating the motor vehicle while using an electronic  
18 communication device as defined in Section 12-610.2 of the  
19 Illinois Vehicle Code.

20 For the purposes of this Section:

21 "School" is defined as a public or private elementary or  
22 secondary school, community college, college, or university.

23 "Day care center" means a public or private State  
24 certified and licensed day care center as defined in Section  
25 2.09 of the Child Care Act of 1969 that displays a sign in  
26 plain view stating that the property is a day care center.

1 "Intellectual disability" means significantly subaverage  
2 intellectual functioning which exists concurrently with  
3 impairment in adaptive behavior.

4 "Public transportation" means the transportation or  
5 conveyance of persons by means available to the general  
6 public, and includes paratransit services.

7 "Traffic control devices" means all signs, signals,  
8 markings, and devices that conform to the Illinois Manual on  
9 Uniform Traffic Control Devices, placed or erected by  
10 authority of a public body or official having jurisdiction,  
11 for the purpose of regulating, warning, or guiding traffic.

12 (b) The following factors, related to all felonies, may be  
13 considered by the court as reasons to impose an extended term  
14 sentence under Section 5-8-2 upon any offender:

15 (1) When a defendant is convicted of any felony, after  
16 having been previously convicted in Illinois or any other  
17 jurisdiction of the same or similar class felony or  
18 greater class felony, when such conviction has occurred  
19 within 10 years after the previous conviction, excluding  
20 time spent in custody, and such charges are separately  
21 brought and tried and arise out of different series of  
22 acts; or

23 (2) When a defendant is convicted of any felony and  
24 the court finds that the offense was accompanied by  
25 exceptionally brutal or heinous behavior indicative of  
26 wanton cruelty; or

1           (3) When a defendant is convicted of any felony  
2 committed against:

3           (i) a person under 12 years of age at the time of  
4 the offense or such person's property;

5           (ii) a person 60 years of age or older at the time  
6 of the offense or such person's property; or

7           (iii) a person who had a physical disability at  
8 the time of the offense or such person's property; or

9           (4) When a defendant is convicted of any felony and  
10 the offense involved any of the following types of  
11 specific misconduct committed as part of a ceremony, rite,  
12 initiation, observance, performance, practice or activity  
13 of any actual or ostensible religious, fraternal, or  
14 social group:

15           (i) the brutalizing or torturing of humans or  
16 animals;

17           (ii) the theft of human corpses;

18           (iii) the kidnapping of humans;

19           (iv) the desecration of any cemetery, religious,  
20 fraternal, business, governmental, educational, or  
21 other building or property; or

22           (v) ritualized abuse of a child; or

23           (5) When a defendant is convicted of a felony other  
24 than conspiracy and the court finds that the felony was  
25 committed under an agreement with 2 or more other persons  
26 to commit that offense and the defendant, with respect to

1 the other individuals, occupied a position of organizer,  
2 supervisor, financier, or any other position of management  
3 or leadership, and the court further finds that the felony  
4 committed was related to or in furtherance of the criminal  
5 activities of an organized gang or was motivated by the  
6 defendant's leadership in an organized gang; or

7 (6) When a defendant is convicted of an offense  
8 committed while using a firearm with a laser sight  
9 attached to it. For purposes of this paragraph, "laser  
10 sight" has the meaning ascribed to it in Section 26-7 of  
11 the Criminal Code of 2012; or

12 (7) When a defendant who was at least 17 years of age  
13 at the time of the commission of the offense is convicted  
14 of a felony and has been previously adjudicated a  
15 delinquent minor under the Juvenile Court Act of 1987 for  
16 an act that if committed by an adult would be a Class X or  
17 Class 1 felony when the conviction has occurred within 10  
18 years after the previous adjudication, excluding time  
19 spent in custody; or

20 (8) When a defendant commits any felony and the  
21 defendant used, possessed, exercised control over, or  
22 otherwise directed an animal to assault a law enforcement  
23 officer engaged in the execution of his or her official  
24 duties or in furtherance of the criminal activities of an  
25 organized gang in which the defendant is engaged; or

26 (9) When a defendant commits any felony and the

1 defendant knowingly video or audio records the offense  
2 with the intent to disseminate the recording.

3 (c) The following factors may be considered by the court  
4 as reasons to impose an extended term sentence under Section  
5 5-8-2 (730 ILCS 5/5-8-2) upon any offender for the listed  
6 offenses:

7 (1) When a defendant is convicted of first degree  
8 murder, after having been previously convicted in Illinois  
9 of any offense listed under paragraph (c)(2) of Section  
10 5-5-3 (730 ILCS 5/5-5-3), when that conviction has  
11 occurred within 10 years after the previous conviction,  
12 excluding time spent in custody, and the charges are  
13 separately brought and tried and arise out of different  
14 series of acts.

15 (1.5) When a defendant is convicted of first degree  
16 murder, after having been previously convicted of domestic  
17 battery (720 ILCS 5/12-3.2) or aggravated domestic battery  
18 (720 ILCS 5/12-3.3) committed on the same victim or after  
19 having been previously convicted of violation of an order  
20 of protection (720 ILCS 5/12-30) in which the same victim  
21 was the protected person.

22 (2) When a defendant is convicted of voluntary  
23 manslaughter, second degree murder, involuntary  
24 manslaughter, or reckless homicide in which the defendant  
25 has been convicted of causing the death of more than one  
26 individual.

1           (3) When a defendant is convicted of aggravated  
2 criminal sexual assault or criminal sexual assault, when  
3 there is a finding that aggravated criminal sexual assault  
4 or criminal sexual assault was also committed on the same  
5 victim by one or more other individuals, and the defendant  
6 voluntarily participated in the crime with the knowledge  
7 of the participation of the others in the crime, and the  
8 commission of the crime was part of a single course of  
9 conduct during which there was no substantial change in  
10 the nature of the criminal objective.

11           (4) If the victim was under 18 years of age at the time  
12 of the commission of the offense, when a defendant is  
13 convicted of aggravated criminal sexual assault or  
14 predatory criminal sexual assault of a child under  
15 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)  
16 of Section 12-14.1 of the Criminal Code of 1961 or the  
17 Criminal Code of 2012 (720 ILCS 5/11-1.40 or 5/12-14.1).

18           (5) When a defendant is convicted of a felony  
19 violation of Section 24-1 of the Criminal Code of 1961 or  
20 the Criminal Code of 2012 (720 ILCS 5/24-1) and there is a  
21 finding that the defendant is a member of an organized  
22 gang.

23           (6) When a defendant was convicted of unlawful use of  
24 weapons under Section 24-1 of the Criminal Code of 1961 or  
25 the Criminal Code of 2012 (720 ILCS 5/24-1) for possessing  
26 a weapon that is not readily distinguishable as one of the



1 weapons enumerated in Section 24-1 of the Criminal Code of  
2 1961 or the Criminal Code of 2012 (720 ILCS 5/24-1).

3 (7) When a defendant is convicted of an offense  
4 involving the illegal manufacture of a controlled  
5 substance under Section 401 of the Illinois Controlled  
6 Substances Act (720 ILCS 570/401), the illegal manufacture  
7 of methamphetamine under Section 25 of the Methamphetamine  
8 Control and Community Protection Act (720 ILCS 646/25), or  
9 the illegal possession of explosives and an emergency  
10 response officer in the performance of his or her duties  
11 is killed or injured at the scene of the offense while  
12 responding to the emergency caused by the commission of  
13 the offense. In this paragraph, "emergency" means a  
14 situation in which a person's life, health, or safety is  
15 in jeopardy; and "emergency response officer" means a  
16 peace officer, community policing volunteer, fireman,  
17 emergency medical technician-ambulance, emergency medical  
18 technician-intermediate, emergency medical  
19 technician-paramedic, ambulance driver, other medical  
20 assistance or first aid personnel, or hospital emergency  
21 room personnel.

22 (8) When the defendant is convicted of attempted mob  
23 action, solicitation to commit mob action, or conspiracy  
24 to commit mob action under Section 8-1, 8-2, or 8-4 of the  
25 Criminal Code of 2012, where the criminal object is a  
26 violation of Section 25-1 of the Criminal Code of 2012,

1 and an electronic communication is used in the commission  
2 of the offense. For the purposes of this paragraph (8),  
3 "electronic communication" shall have the meaning provided  
4 in Section 26.5-0.1 of the Criminal Code of 2012.

5 (d) For the purposes of this Section, "organized gang" has  
6 the meaning ascribed to it in Section 10 of the Illinois  
7 Streetgang Terrorism Omnibus Prevention Act.

8 (e) The court may impose an extended term sentence under  
9 Article 4.5 of Chapter V upon an offender who has been  
10 convicted of a felony violation of Section 11-1.20, 11-1.30,  
11 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or  
12 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012  
13 when the victim of the offense is under 18 years of age at the  
14 time of the commission of the offense and, during the  
15 commission of the offense, the victim was under the influence  
16 of alcohol, regardless of whether or not the alcohol was  
17 supplied by the offender; and the offender, at the time of the  
18 commission of the offense, knew or should have known that the  
19 victim had consumed alcohol.

20 (Source: P.A. 101-173, eff. 1-1-20; 101-401, eff. 1-1-20;  
21 101-417, eff. 1-1-20; 101-652, eff. 1-1-23; 102-558, eff.  
22 8-20-21.)

23 (Text of Section after amendment by P.A. 102-982)

24 Sec. 5-5-3.2. Factors in aggravation and extended-term  
25 sentencing.

1           (a) The following factors shall be accorded weight in  
2 favor of imposing a term of imprisonment or may be considered  
3 by the court as reasons to impose a more severe sentence under  
4 Section 5-8-1 or Article 4.5 of Chapter V:

5           (1) the defendant's conduct caused or threatened  
6 serious harm;

7           (2) the defendant received compensation for committing  
8 the offense;

9           (3) the defendant has a history of prior delinquency  
10 or criminal activity;

11           (4) the defendant, by the duties of his office or by  
12 his position, was obliged to prevent the particular  
13 offense committed or to bring the offenders committing it  
14 to justice;

15           (5) the defendant held public office at the time of  
16 the offense, and the offense related to the conduct of  
17 that office;

18           (6) the defendant utilized his professional reputation  
19 or position in the community to commit the offense, or to  
20 afford him an easier means of committing it;

21           (7) the sentence is necessary to deter others from  
22 committing the same crime;

23           (8) the defendant committed the offense against a  
24 person 60 years of age or older or such person's property;

25           (9) the defendant committed the offense against a  
26 person who has a physical disability or such person's

1 property;

2 (10) by reason of another individual's actual or  
3 perceived race, color, creed, religion, ancestry, gender,  
4 sexual orientation, physical or mental disability, or  
5 national origin, the defendant committed the offense  
6 against (i) the person or property of that individual;  
7 (ii) the person or property of a person who has an  
8 association with, is married to, or has a friendship with  
9 the other individual; or (iii) the person or property of a  
10 relative (by blood or marriage) of a person described in  
11 clause (i) or (ii). For the purposes of this Section,  
12 "sexual orientation" has the meaning ascribed to it in  
13 paragraph (0-1) of Section 1-103 of the Illinois Human  
14 Rights Act;

15 (11) the offense took place in a place of worship or on  
16 the grounds of a place of worship, immediately prior to,  
17 during or immediately following worship services. For  
18 purposes of this subparagraph, "place of worship" shall  
19 mean any church, synagogue or other building, structure or  
20 place used primarily for religious worship;

21 (12) the defendant was convicted of a felony committed  
22 while he was on pretrial release or his own recognizance  
23 pending trial for a prior felony and was convicted of such  
24 prior felony, or the defendant was convicted of a felony  
25 committed while he was serving a period of probation,  
26 conditional discharge, or mandatory supervised release

1 under subsection (d) of Section 5-8-1 for a prior felony;

2 (13) the defendant committed or attempted to commit a  
3 felony while he was wearing a bulletproof vest. For the  
4 purposes of this paragraph (13), a bulletproof vest is any  
5 device which is designed for the purpose of protecting the  
6 wearer from bullets, shot or other lethal projectiles;

7 (14) the defendant held a position of trust or  
8 supervision such as, but not limited to, family member as  
9 defined in Section 11-0.1 of the Criminal Code of 2012,  
10 teacher, scout leader, baby sitter, or day care worker, in  
11 relation to a victim under 18 years of age, and the  
12 defendant committed an offense in violation of Section  
13 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,  
14 11-14.4 except for an offense that involves keeping a  
15 place of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,  
16 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15  
17 or 12-16 of the Criminal Code of 1961 or the Criminal Code  
18 of 2012 against that victim;

19 (15) the defendant committed an offense related to the  
20 activities of an organized gang. For the purposes of this  
21 factor, "organized gang" has the meaning ascribed to it in  
22 Section 10 of the Streetgang Terrorism Omnibus Prevention  
23 Act;

24 (16) the defendant committed an offense in violation  
25 of one of the following Sections while in a school,  
26 regardless of the time of day or time of year; on any

1 conveyance owned, leased, or contracted by a school to  
2 transport students to or from school or a school related  
3 activity; on the real property of a school; or on a public  
4 way within 1,000 feet of the real property comprising any  
5 school: Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30,  
6 11-1.40, 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1,  
7 11-18.1, 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2,  
8 12-4.3, 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1,  
9 12-15, 12-16, 18-2, or 33A-2, or Section 12-3.05 except  
10 for subdivision (a)(4) or (g)(1), of the Criminal Code of  
11 1961 or the Criminal Code of 2012;

12 (16.5) the defendant committed an offense in violation  
13 of one of the following Sections while in a day care  
14 center, regardless of the time of day or time of year; on  
15 the real property of a day care center, regardless of the  
16 time of day or time of year; or on a public way within  
17 1,000 feet of the real property comprising any day care  
18 center, regardless of the time of day or time of year:  
19 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,  
20 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,  
21 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,  
22 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,  
23 18-2, or 33A-2, or Section 12-3.05 except for subdivision  
24 (a)(4) or (g)(1), of the Criminal Code of 1961 or the  
25 Criminal Code of 2012;

26 (17) the defendant committed the offense by reason of

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

7 (18) the defendant committed the offense in a nursing  
8 home or on the real property comprising a nursing home.  
9 For the purposes of this paragraph (18), "nursing home"  
10 means a skilled nursing or intermediate long term care  
11 facility that is subject to license by the Illinois  
12 Department of Public Health under the Nursing Home Care  
13 Act, the Specialized Mental Health Rehabilitation Act of  
14 2013, the ID/DD Community Care Act, or the MC/DD Act;

15 (19) the defendant was a federally licensed firearm  
16 dealer and was previously convicted of a violation of  
17 subsection (a) of Section 3 of the Firearm Owners  
18 Identification Card Act and has now committed either a  
19 felony violation of the Firearm Owners Identification Card  
20 Act or an act of armed violence while armed with a firearm;

21 (20) the defendant (i) committed the offense of  
22 reckless homicide under Section 9-3 of the Criminal Code  
23 of 1961 or the Criminal Code of 2012 or the offense of  
24 driving under the influence of alcohol, other drug or  
25 drugs, intoxicating compound or compounds or any  
26 combination thereof under Section 11-501 of the Illinois

1 Vehicle Code or a similar provision of a local ordinance  
2 and (ii) was operating a motor vehicle in excess of 20  
3 miles per hour over the posted speed limit as provided in  
4 Article VI of Chapter 11 of the Illinois Vehicle Code;

5 (21) the defendant (i) committed the offense of  
6 reckless driving or aggravated reckless driving under  
7 Section 11-503 of the Illinois Vehicle Code and (ii) was  
8 operating a motor vehicle in excess of 20 miles per hour  
9 over the posted speed limit as provided in Article VI of  
10 Chapter 11 of the Illinois Vehicle Code;

11 (22) the defendant committed the offense against a  
12 person that the defendant knew, or reasonably should have  
13 known, was a member of the Armed Forces of the United  
14 States serving on active duty. For purposes of this clause  
15 (22), the term "Armed Forces" means any of the Armed  
16 Forces of the United States, including a member of any  
17 reserve component thereof or National Guard unit called to  
18 active duty;

19 (23) the defendant committed the offense against a  
20 person who was elderly or infirm or who was a person with a  
21 disability by taking advantage of a family or fiduciary  
22 relationship with the elderly or infirm person or person  
23 with a disability;

24 (24) the defendant committed any offense under Section  
25 11-20.1 of the Criminal Code of 1961 or the Criminal Code  
26 of 2012 and possessed 100 or more images;



1           (25) the defendant committed the offense while the  
2 defendant or the victim was in a train, bus, or other  
3 vehicle used for public transportation;

4           (26) the defendant committed the offense of child  
5 pornography or aggravated child pornography, specifically  
6 including paragraph (1), (2), (3), (4), (5), or (7) of  
7 subsection (a) of Section 11-20.1 of the Criminal Code of  
8 1961 or the Criminal Code of 2012 where a child engaged in,  
9 solicited for, depicted in, or posed in any act of sexual  
10 penetration or bound, fettered, or subject to sadistic,  
11 masochistic, or sadomasochistic abuse in a sexual context  
12 and specifically including paragraph (1), (2), (3), (4),  
13 (5), or (7) of subsection (a) of Section 11-20.1B or  
14 Section 11-20.3 of the Criminal Code of 1961 where a child  
15 engaged in, solicited for, depicted in, or posed in any  
16 act of sexual penetration or bound, fettered, or subject  
17 to sadistic, masochistic, or sadomasochistic abuse in a  
18 sexual context;

19           (27) the defendant committed the offense of first  
20 degree murder, assault, aggravated assault, battery,  
21 aggravated battery, robbery, armed robbery, or aggravated  
22 robbery against a person who was a veteran and the  
23 defendant knew, or reasonably should have known, that the  
24 person was a veteran performing duties as a representative  
25 of a veterans' organization. For the purposes of this  
26 paragraph (27), "veteran" means an Illinois resident who

1 has served as a member of the United States Armed Forces, a  
2 member of the Illinois National Guard, or a member of the  
3 United States Reserve Forces; and "veterans' organization"  
4 means an organization comprised of members of which  
5 substantially all are individuals who are veterans or  
6 spouses, widows, or widowers of veterans, the primary  
7 purpose of which is to promote the welfare of its members  
8 and to provide assistance to the general public in such a  
9 way as to confer a public benefit;

10 (28) the defendant committed the offense of assault,  
11 aggravated assault, battery, aggravated battery, robbery,  
12 armed robbery, or aggravated robbery against a person that  
13 the defendant knew or reasonably should have known was a  
14 letter carrier or postal worker while that person was  
15 performing his or her duties delivering mail for the  
16 United States Postal Service;

17 (29) the defendant committed the offense of criminal  
18 sexual assault, aggravated criminal sexual assault,  
19 criminal sexual abuse, or aggravated criminal sexual abuse  
20 against a victim with an intellectual disability, and the  
21 defendant holds a position of trust, authority, or  
22 supervision in relation to the victim;

23 (30) the defendant committed the offense of promoting  
24 juvenile prostitution, patronizing a prostitute, or  
25 patronizing a minor engaged in prostitution and at the  
26 time of the commission of the offense knew that the

1 prostitute or minor engaged in prostitution was in the  
2 custody or guardianship of the Department of Children and  
3 Family Services;

4 (31) the defendant (i) committed the offense of  
5 driving while under the influence of alcohol, other drug  
6 or drugs, intoxicating compound or compounds or any  
7 combination thereof in violation of Section 11-501 of the  
8 Illinois Vehicle Code or a similar provision of a local  
9 ordinance and (ii) the defendant during the commission of  
10 the offense was driving his or her vehicle upon a roadway  
11 designated for one-way traffic in the opposite direction  
12 of the direction indicated by official traffic control  
13 devices;

14 (32) the defendant committed the offense of reckless  
15 homicide while committing a violation of Section 11-907 of  
16 the Illinois Vehicle Code;

17 (33) the defendant was found guilty of an  
18 administrative infraction related to an act or acts of  
19 public indecency or sexual misconduct in the penal  
20 institution. In this paragraph (33), "penal institution"  
21 has the same meaning as in Section 2-14 of the Criminal  
22 Code of 2012; ~~or~~

23 (34) the defendant committed the offense of leaving  
24 the scene of a crash in violation of subsection (b) of  
25 Section 11-401 of the Illinois Vehicle Code and the crash  
26 resulted in the death of a person and at the time of the

1 offense, the defendant was: (i) driving under the  
2 influence of alcohol, other drug or drugs, intoxicating  
3 compound or compounds or any combination thereof as  
4 defined by Section 11-501 of the Illinois Vehicle Code; or  
5 (ii) operating the motor vehicle while using an electronic  
6 communication device as defined in Section 12-610.2 of the  
7 Illinois Vehicle Code; or-

8 (35) the defendant committed the offense in or on the  
9 grounds of a hospital, ambulatory surgical treatment  
10 center, physician's office, or other medical facility that  
11 treats patients and the offense was a crime of violence  
12 committed against a licensed health care professional or  
13 an employee of a hospital, ambulatory surgical treatment  
14 center, physician's office, or other medical facility that  
15 treats patients.

16 For the purposes of this Section:

17 "Ambulatory surgical treatment center" has the meaning  
18 ascribed to it in Section 3 of the Ambulatory Surgical  
19 Treatment Center Act.

20 "Crime of violence" has the meaning ascribed to it in  
21 Section 2 of the Crime Victims Compensation Act.

22 ~~"School" is defined as a public or private elementary or~~  
23 ~~secondary school, community college, college, or university.~~

24 "Day care center" means a public or private State  
25 certified and licensed day care center as defined in Section  
26 2.09 of the Child Care Act of 1969 that displays a sign in

1 plain view stating that the property is a day care center.

2 "Hospital" has the meaning ascribed to it in Section 3 of  
3 the Hospital Licensing Act.

4 "Intellectual disability" means significantly subaverage  
5 intellectual functioning which exists concurrently with  
6 impairment in adaptive behavior.

7 "Licensed health care professional" means a physician  
8 licensed to practice medicine in all its branches, clinical  
9 psychologist, a licensed practical nurse, a registered nurse,  
10 licensed advanced practice registered nurse, or a licensed  
11 physician assistant.

12 "Public transportation" means the transportation or  
13 conveyance of persons by means available to the general  
14 public, and includes paratransit services.

15 "School" means a public or private elementary or secondary  
16 school, community college, college, or university.

17 "Traffic control devices" means all signs, signals,  
18 markings, and devices that conform to the Illinois Manual on  
19 Uniform Traffic Control Devices, placed or erected by  
20 authority of a public body or official having jurisdiction,  
21 for the purpose of regulating, warning, or guiding traffic.

22 (b) The following factors, related to all felonies, may be  
23 considered by the court as reasons to impose an extended term  
24 sentence under Section 5-8-2 upon any offender:

25 (1) When a defendant is convicted of any felony, after  
26 having been previously convicted in Illinois or any other

1 jurisdiction of the same or similar class felony or  
2 greater class felony, when such conviction has occurred  
3 within 10 years after the previous conviction, excluding  
4 time spent in custody, and such charges are separately  
5 brought and tried and arise out of different series of  
6 acts; or

7 (2) When a defendant is convicted of any felony and  
8 the court finds that the offense was accompanied by  
9 exceptionally brutal or heinous behavior indicative of  
10 wanton cruelty; or

11 (3) When a defendant is convicted of any felony  
12 committed against:

13 (i) a person under 12 years of age at the time of  
14 the offense or such person's property;

15 (ii) a person 60 years of age or older at the time  
16 of the offense or such person's property; or

17 (iii) a person who had a physical disability at  
18 the time of the offense or such person's property; or

19 (4) When a defendant is convicted of any felony and  
20 the offense involved any of the following types of  
21 specific misconduct committed as part of a ceremony, rite,  
22 initiation, observance, performance, practice or activity  
23 of any actual or ostensible religious, fraternal, or  
24 social group:

25 (i) the brutalizing or torturing of humans or  
26 animals;

- 1           (ii) the theft of human corpses;
- 2           (iii) the kidnapping of humans;
- 3           (iv) the desecration of any cemetery, religious,
- 4           fraternal, business, governmental, educational, or
- 5           other building or property; or
- 6           (v) ritualized abuse of a child; or
- 7           (5) When a defendant is convicted of a felony other
- 8           than conspiracy and the court finds that the felony was
- 9           committed under an agreement with 2 or more other persons
- 10          to commit that offense and the defendant, with respect to
- 11          the other individuals, occupied a position of organizer,
- 12          supervisor, financier, or any other position of management
- 13          or leadership, and the court further finds that the felony
- 14          committed was related to or in furtherance of the criminal
- 15          activities of an organized gang or was motivated by the
- 16          defendant's leadership in an organized gang; or
- 17          (6) When a defendant is convicted of an offense
- 18          committed while using a firearm with a laser sight
- 19          attached to it. For purposes of this paragraph, "laser
- 20          sight" has the meaning ascribed to it in Section 26-7 of
- 21          the Criminal Code of 2012; or
- 22          (7) When a defendant who was at least 17 years of age
- 23          at the time of the commission of the offense is convicted
- 24          of a felony and has been previously adjudicated a
- 25          delinquent minor under the Juvenile Court Act of 1987 for
- 26          an act that if committed by an adult would be a Class X or

1 Class 1 felony when the conviction has occurred within 10  
2 years after the previous adjudication, excluding time  
3 spent in custody; or

4 (8) When a defendant commits any felony and the  
5 defendant used, possessed, exercised control over, or  
6 otherwise directed an animal to assault a law enforcement  
7 officer engaged in the execution of his or her official  
8 duties or in furtherance of the criminal activities of an  
9 organized gang in which the defendant is engaged; or

10 (9) When a defendant commits any felony and the  
11 defendant knowingly video or audio records the offense  
12 with the intent to disseminate the recording.

13 (c) The following factors may be considered by the court  
14 as reasons to impose an extended term sentence under Section  
15 5-8-2 (730 ILCS 5/5-8-2) upon any offender for the listed  
16 offenses:

17 (1) When a defendant is convicted of first degree  
18 murder, after having been previously convicted in Illinois  
19 of any offense listed under paragraph (c)(2) of Section  
20 5-5-3 (730 ILCS 5/5-5-3), when that conviction has  
21 occurred within 10 years after the previous conviction,  
22 excluding time spent in custody, and the charges are  
23 separately brought and tried and arise out of different  
24 series of acts.

25 (1.5) When a defendant is convicted of first degree  
26 murder, after having been previously convicted of domestic



1 battery (720 ILCS 5/12-3.2) or aggravated domestic battery  
2 (720 ILCS 5/12-3.3) committed on the same victim or after  
3 having been previously convicted of violation of an order  
4 of protection (720 ILCS 5/12-30) in which the same victim  
5 was the protected person.

6 (2) When a defendant is convicted of voluntary  
7 manslaughter, second degree murder, involuntary  
8 manslaughter, or reckless homicide in which the defendant  
9 has been convicted of causing the death of more than one  
10 individual.

11 (3) When a defendant is convicted of aggravated  
12 criminal sexual assault or criminal sexual assault, when  
13 there is a finding that aggravated criminal sexual assault  
14 or criminal sexual assault was also committed on the same  
15 victim by one or more other individuals, and the defendant  
16 voluntarily participated in the crime with the knowledge  
17 of the participation of the others in the crime, and the  
18 commission of the crime was part of a single course of  
19 conduct during which there was no substantial change in  
20 the nature of the criminal objective.

21 (4) If the victim was under 18 years of age at the time  
22 of the commission of the offense, when a defendant is  
23 convicted of aggravated criminal sexual assault or  
24 predatory criminal sexual assault of a child under  
25 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)  
26 of Section 12-14.1 of the Criminal Code of 1961 or the

1 Criminal Code of 2012 (720 ILCS 5/11-1.40 or 5/12-14.1).

2 (5) When a defendant is convicted of a felony  
3 violation of Section 24-1 of the Criminal Code of 1961 or  
4 the Criminal Code of 2012 (720 ILCS 5/24-1) and there is a  
5 finding that the defendant is a member of an organized  
6 gang.

7 (6) When a defendant was convicted of unlawful use of  
8 weapons under Section 24-1 of the Criminal Code of 1961 or  
9 the Criminal Code of 2012 (720 ILCS 5/24-1) for possessing  
10 a weapon that is not readily distinguishable as one of the  
11 weapons enumerated in Section 24-1 of the Criminal Code of  
12 1961 or the Criminal Code of 2012 (720 ILCS 5/24-1).

13 (7) When a defendant is convicted of an offense  
14 involving the illegal manufacture of a controlled  
15 substance under Section 401 of the Illinois Controlled  
16 Substances Act (720 ILCS 570/401), the illegal manufacture  
17 of methamphetamine under Section 25 of the Methamphetamine  
18 Control and Community Protection Act (720 ILCS 646/25), or  
19 the illegal possession of explosives and an emergency  
20 response officer in the performance of his or her duties  
21 is killed or injured at the scene of the offense while  
22 responding to the emergency caused by the commission of  
23 the offense. In this paragraph, "emergency" means a  
24 situation in which a person's life, health, or safety is  
25 in jeopardy; and "emergency response officer" means a  
26 peace officer, community policing volunteer, fireman,

1 emergency medical technician-ambulance, emergency medical  
2 technician-intermediate, emergency medical  
3 technician-paramedic, ambulance driver, other medical  
4 assistance or first aid personnel, or hospital emergency  
5 room personnel.

6 (8) When the defendant is convicted of attempted mob  
7 action, solicitation to commit mob action, or conspiracy  
8 to commit mob action under Section 8-1, 8-2, or 8-4 of the  
9 Criminal Code of 2012, where the criminal object is a  
10 violation of Section 25-1 of the Criminal Code of 2012,  
11 and an electronic communication is used in the commission  
12 of the offense. For the purposes of this paragraph (8),  
13 "electronic communication" shall have the meaning provided  
14 in Section 26.5-0.1 of the Criminal Code of 2012.

15 (d) For the purposes of this Section, "organized gang" has  
16 the meaning ascribed to it in Section 10 of the Illinois  
17 Streetgang Terrorism Omnibus Prevention Act.

18 (e) The court may impose an extended term sentence under  
19 Article 4.5 of Chapter V upon an offender who has been  
20 convicted of a felony violation of Section 11-1.20, 11-1.30,  
21 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or  
22 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012  
23 when the victim of the offense is under 18 years of age at the  
24 time of the commission of the offense and, during the  
25 commission of the offense, the victim was under the influence  
26 of alcohol, regardless of whether or not the alcohol was

1 supplied by the offender; and the offender, at the time of the  
2 commission of the offense, knew or should have known that the  
3 victim had consumed alcohol.

4 (Source: P.A. 101-173, eff. 1-1-20; 101-401, eff. 1-1-20;  
5 101-417, eff. 1-1-20; 101-652, eff. 1-1-23; 102-558, eff.  
6 8-20-21; 102-982, eff. 7-1-23.)

7 Section 95. No acceleration or delay. Where this Act makes  
8 changes in a statute that is represented in this Act by text  
9 that is not yet or no longer in effect (for example, a Section  
10 represented by multiple versions), the use of that text does  
11 not accelerate or delay the taking effect of (i) the changes  
12 made by this Act or (ii) provisions derived from any other  
13 Public Act.