

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. Sentence of Imprisonment for Felony.

8 (a) Except as otherwise provided in the statute defining
9 the offense, a sentence of imprisonment for a felony shall be a
10 determinate sentence set by the court under this Section,
11 according to the following limitations:

12 (1) for first degree murder,

13 (a) a term shall be not less than 20 years and not
14 more than 60 years, or

15 (b) if a trier of fact finds beyond a reasonable
16 doubt that the murder was accompanied by exceptionally
17 brutal or heinous behavior indicative of wanton
18 cruelty or, except as set forth in subsection (a) (1) (c)
19 of this Section, that any of the aggravating factors
20 listed in subsection (b) of Section 9-1 of the Criminal
21 Code of 1961 are present, the court may sentence the
22 defendant to a term of natural life imprisonment, or

23 (c) the court shall sentence the defendant to a
24 term of natural life imprisonment when the death
25 penalty is not imposed if the defendant,

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

28 (ii) is a person who, at the time of the
29 commission of the murder, had attained the age of
30 17 or more and is found guilty of murdering an
31 individual under 12 years of age; or, irrespective
32 of the defendant's age at the time of the

1 commission of the offense, is found guilty of
2 murdering more than one victim, or

3 (iii) is found guilty of murdering a peace
4 officer, ~~or~~ fireman, or emergency management
5 worker when the peace officer, fireman, or
6 emergency management worker was killed in the
7 course of performing his official duties, or to
8 prevent the peace officer or fireman from
9 performing his official duties, or in retaliation
10 for the peace officer, fireman, or emergency
11 management worker from performing his official
12 duties, and the defendant knew or should have known
13 that the murdered individual was a peace officer,
14 fireman, or emergency management worker, or

15 (iv) is found guilty of murdering an employee
16 of an institution or facility of the Department of
17 Corrections, or any similar local correctional
18 agency, when the employee was killed in the course
19 of performing his official duties, or to prevent
20 the employee from performing his official duties,
21 or in retaliation for the employee performing his
22 official duties, or

23 (v) is found guilty of murdering an emergency
24 medical technician - ambulance, emergency medical
25 technician - intermediate, emergency medical
26 technician - paramedic, ambulance driver or other
27 medical assistance or first aid person while
28 employed by a municipality or other governmental
29 unit when the person was killed in the course of
30 performing official duties or to prevent the
31 person from performing official duties or in
32 retaliation for performing official duties and the
33 defendant knew or should have known that the
34 murdered individual was an emergency medical
35 technician - ambulance, emergency medical
36 technician - intermediate, emergency medical

1 technician - paramedic, ambulance driver, or other
2 medical assistant or first aid personnel, or

3 (vi) is a person who, at the time of the
4 commission of the murder, had not attained the age
5 of 17, and is found guilty of murdering a person
6 under 12 years of age and the murder is committed
7 during the course of aggravated criminal sexual
8 assault, criminal sexual assault, or aggravated
9 kidnaping, or

10 (vii) is found guilty of first degree murder
11 and the murder was committed by reason of any
12 person's activity as a community policing
13 volunteer or to prevent any person from engaging in
14 activity as a community policing volunteer. For
15 the purpose of this Section, "community policing
16 volunteer" has the meaning ascribed to it in
17 Section 2-3.5 of the Criminal Code of 1961.

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

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

26 (ii) if, during the commission of the offense,
27 the person personally discharged a firearm, 20
28 years shall be added to the term of imprisonment
29 imposed by the court;

30 (iii) if, during the commission of the
31 offense, the person personally discharged a
32 firearm that proximately caused great bodily harm,
33 permanent disability, permanent disfigurement, or
34 death to another person, 25 years or up to a term
35 of natural life shall be added to the term of
36 imprisonment imposed by the court.

1 (1.5) for second degree murder, a term shall be not
2 less than 4 years and not more than 20 years;

3 (2) for a person adjudged a habitual criminal under
4 Article 33B of the Criminal Code of 1961, as amended, the
5 sentence shall be a term of natural life imprisonment;

6 (2.5) for a person convicted under the circumstances
7 described in paragraph (3) of subsection (b) of Section
8 12-13, paragraph (2) of subsection (d) of Section 12-14,
9 paragraph (1.2) of subsection (b) of Section 12-14.1, or
10 paragraph (2) of subsection (b) of Section 12-14.1 of the
11 Criminal Code of 1961, the sentence shall be a term of
12 natural life imprisonment;

13 (3) except as otherwise provided in the statute
14 defining the offense, for a Class X felony, the sentence
15 shall be not less than 6 years and not more than 30 years;

16 (4) for a Class 1 felony, other than second degree
17 murder, the sentence shall be not less than 4 years and not
18 more than 15 years;

19 (5) for a Class 2 felony, the sentence shall be not
20 less than 3 years and not more than 7 years;

21 (6) for a Class 3 felony, the sentence shall be not
22 less than 2 years and not more than 5 years;

23 (7) for a Class 4 felony, the sentence shall be not
24 less than 1 year and not more than 3 years.

25 (b) The sentencing judge in each felony conviction shall
26 set forth his reasons for imposing the particular sentence he
27 enters in the case, as provided in Section 5-4-1 of this Code.
28 Those reasons may include any mitigating or aggravating factors
29 specified in this Code, or the lack of any such circumstances,
30 as well as any other such factors as the judge shall set forth
31 on the record that are consistent with the purposes and
32 principles of sentencing set out in this Code.

33 (c) A motion to reduce a sentence may be made, or the court
34 may reduce a sentence without motion, within 30 days after the
35 sentence is imposed. A defendant's challenge to the correctness
36 of a sentence or to any aspect of the sentencing hearing shall

1 be made by a written motion filed within 30 days following the
2 imposition of sentence. However, the court may not increase a
3 sentence once it is imposed.

4 If a motion filed pursuant to this subsection is timely
5 filed within 30 days after the sentence is imposed, the
6 proponent of the motion shall exercise due diligence in seeking
7 a determination on the motion and the court shall thereafter
8 decide such motion within a reasonable time.

9 If a motion filed pursuant to this subsection is timely
10 filed within 30 days after the sentence is imposed, then for
11 purposes of perfecting an appeal, a final judgment shall not be
12 considered to have been entered until the motion to reduce a
13 sentence has been decided by order entered by the trial court.

14 A motion filed pursuant to this subsection shall not be
15 considered to have been timely filed unless it is filed with
16 the circuit court clerk within 30 days after the sentence is
17 imposed together with a notice of motion, which notice of
18 motion shall set the motion on the court's calendar on a date
19 certain within a reasonable time after the date of filing.

20 (d) Except where a term of natural life is imposed, every
21 sentence shall include as though written therein a term in
22 addition to the term of imprisonment. For those sentenced under
23 the law in effect prior to February 1, 1978, such term shall be
24 identified as a parole term. For those sentenced on or after
25 February 1, 1978, such term shall be identified as a mandatory
26 supervised release term. Subject to earlier termination under
27 Section 3-3-8, the parole or mandatory supervised release term
28 shall be as follows:

29 (1) for first degree murder or a Class X felony except
30 for the offenses of predatory criminal sexual assault of a
31 child, aggravated criminal sexual assault, and criminal
32 sexual assault if committed ~~convicted~~ on or after the
33 effective date of this amendatory Act of the 94th General
34 Assembly July 1, 2005, 3 years;

35 (2) for a Class 1 felony or a Class 2 felony except for
36 the offense of criminal sexual assault if committed

1 ~~convicted~~ on or after the effective date of this amendatory
2 Act of the 94th General Assembly July 1, 2005, 2 years;

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

4 (4) for defendants who commit the offense ~~convicted~~ of
5 predatory criminal sexual assault of a child, aggravated
6 criminal sexual assault, or criminal sexual assault, on or
7 after the effective date of this amendatory Act of the 94th
8 General Assembly July 1, 2005, the term of mandatory
9 supervised release shall range from a minimum of 3 years to
10 a maximum of the natural life of the defendant;

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

17 (e) A defendant who has a previous and unexpired sentence
18 of imprisonment imposed by another state or by any district
19 court of the United States and who, after sentence for a crime
20 in Illinois, must return to serve the unexpired prior sentence
21 may have his sentence by the Illinois court ordered to be
22 concurrent with the prior sentence in the other state. The
23 court may order that any time served on the unexpired portion
24 of the sentence in the other state, prior to his return to
25 Illinois, shall be credited on his Illinois sentence. The other
26 state shall be furnished with a copy of the order imposing
27 sentence which shall provide that, when the offender is
28 released from confinement of the other state, whether by parole
29 or by termination of sentence, the offender shall be
30 transferred by the Sheriff of the committing county to the
31 Illinois Department of Corrections. The court shall cause the
32 Department of Corrections to be notified of such sentence at
33 the time of commitment and to be provided with copies of all
34 records regarding the sentence.

35 (f) A defendant who has a previous and unexpired sentence
36 of imprisonment imposed by an Illinois circuit court for a

1 crime in this State and who is subsequently sentenced to a term
2 of imprisonment by another state or by any district court of
3 the United States and who has served a term of imprisonment
4 imposed by the other state or district court of the United
5 States, and must return to serve the unexpired prior sentence
6 imposed by the Illinois Circuit Court may apply to the court
7 which imposed sentence to have his sentence reduced.

8 The circuit court may order that any time served on the
9 sentence imposed by the other state or district court of the
10 United States be credited on his Illinois sentence. Such
11 application for reduction of a sentence under this subsection
12 (f) shall be made within 30 days after the defendant has
13 completed the sentence imposed by the other state or district
14 court of the United States.

15 (Source: P.A. 94-165, eff. 7-11-05; 94-243, eff. 1-1-06;
16 revised 8-19-05.)

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.