



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

SB2971

Introduced 1/20/2006, by Sen. Peter J. Roskam

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/32-5	from Ch. 38, par. 32-5
720 ILCS 5/32-5.2	from Ch. 38, par. 32-5.2
730 ILCS 5/5-8-4	from Ch. 38, par. 1005-8-4

Amends the Criminal Code of 1961. Provides that a person who falsely represents himself or herself to be an official or employee of the federal government commits a Class B misdemeanor. Increases the penalty for aggravated false personation of a peace officer from a Class 3 felony to a Class 2 felony. Provides that if the false personation of a peace officer occurred in attempting or committing a forcible felony, the penalty is a Class X felony. Amends the Unified Code of Corrections. Provides that if the false personation of a peace officer occurred in attempting or committing a forcible felony, the defendant shall serve a consecutive sentence.

LRB094 19092 RLC 54602 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

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 1961 is amended by changing  
5 Sections 32-5 and 32-5.2 as follows:

6 (720 ILCS 5/32-5) (from Ch. 38, par. 32-5)

7 Sec. 32-5. False personation of attorney, judicial, or  
8 governmental officials.

9 (a) A person who falsely represents himself or herself to  
10 be an attorney authorized to practice law for purposes of  
11 compensation or consideration commits a Class 4 felony. This  
12 subsection (a) does not apply to a person who unintentionally  
13 fails to pay attorney registration fees established by Supreme  
14 Court Rule.

15 (b) A person who falsely represents himself or herself to  
16 be a public officer or a public employee or an official or  
17 employee of the federal government commits a Class B  
18 misdemeanor.

19 (Source: P.A. 90-293, eff. 1-1-98.)

20 (720 ILCS 5/32-5.2) (from Ch. 38, par. 32-5.2)

21 Sec. 32-5.2. Aggravated False Personation of a Peace  
22 Officer. A person who knowingly and falsely represents himself  
23 or herself to be a peace officer of any jurisdiction in  
24 attempting or committing a felony commits a Class 2 3 felony. A  
25 person who knowingly and falsely represents himself or herself  
26 to be a peace officer of any jurisdiction in attempting or  
27 committing a forcible felony commits a Class X felony.

28 (Source: P.A. 85-741.)

29 Section 10. The Unified Code of Corrections is amended by  
30 changing Section 5-8-4 as follows:

1 (730 ILCS 5/5-8-4) (from Ch. 38, par. 1005-8-4)

2 Sec. 5-8-4. Concurrent and Consecutive Terms of  
3 Imprisonment.

4 (a) When multiple sentences of imprisonment are imposed on  
5 a defendant at the same time, or when a term of imprisonment is  
6 imposed on a defendant who is already subject to sentence in  
7 this State or in another state, or for a sentence imposed by  
8 any district court of the United States, the sentences shall  
9 run concurrently or consecutively as determined by the court.

10 When a term of imprisonment is imposed on a defendant by an  
11 Illinois circuit court and the defendant is subsequently  
12 sentenced to a term of imprisonment by another state or by a  
13 district court of the United States, the Illinois circuit court  
14 which imposed the sentence may order that the Illinois sentence  
15 be made concurrent with the sentence imposed by the other state  
16 or district court of the United States. The defendant must  
17 apply to the circuit court within 30 days after the defendant's  
18 sentence imposed by the other state or district of the United  
19 States is finalized. The court shall impose consecutive  
20 sentences if:

21 (i) one of the offenses for which defendant was  
22 convicted was first degree murder or a Class X or Class 1  
23 felony and the defendant inflicted severe bodily injury, or

24 (ii) the defendant was convicted of a violation of  
25 Section 12-13, 12-14, or 12-14.1 of the Criminal Code of  
26 1961, or

27 (iii) the defendant was convicted of armed violence  
28 based upon the predicate offense of solicitation of murder,  
29 solicitation of murder for hire, heinous battery,  
30 aggravated battery of a senior citizen, criminal sexual  
31 assault, a violation of subsection (g) of Section 5 of the  
32 Cannabis Control Act, cannabis trafficking, a violation of  
33 subsection (a) of Section 401 of the Illinois Controlled  
34 Substances Act, controlled substance trafficking involving  
35 a Class X felony amount of controlled substance under

1 Section 401 of the Illinois Controlled Substances Act, a  
2 violation of the Methamphetamine Control and Community  
3 Protection Act, calculated criminal drug conspiracy, or  
4 streetgang criminal drug conspiracy, or

5 (iv) the defendant was convicted of the offense of  
6 leaving the scene of a motor vehicle accident involving  
7 death or personal injuries under Section 11-401 and either:  
8 (A) aggravated driving under the influence of alcohol,  
9 other drug or drugs, or intoxicating compound or compounds,  
10 or any combination thereof under Section 11-501 of the  
11 Illinois Vehicle Code, or (B) reckless homicide under  
12 Section 9-3 of the Criminal Code of 1961, or both an  
13 offense described in subdivision (A) and an offense  
14 described in subdivision (B), or

15 (v) the defendant was convicted of a violation of  
16 Section 9-3.1 (concealment of homicidal death) or Section  
17 12-20.5 (dismembering a human body) of the Criminal Code of  
18 1961, or

19 (vi) one of the offenses for which defendant was  
20 convicted was a violation of Section 32-5.2 of the Criminal  
21 Code of 1961 and the offense was committed in attempting or  
22 committing a forcible felony,

23 in which event the court shall enter sentences to run  
24 consecutively. Sentences shall run concurrently unless  
25 otherwise specified by the court.

26 (b) Except in cases where consecutive sentences are  
27 mandated, the court shall impose concurrent sentences unless,  
28 having regard to the nature and circumstances of the offense  
29 and the history and character of the defendant, it is of the  
30 opinion that consecutive sentences are required to protect the  
31 public from further criminal conduct by the defendant, the  
32 basis for which the court shall set forth in the record.

33 (c) (1) For sentences imposed under law in effect prior to  
34 February 1, 1978 the aggregate maximum of consecutive  
35 sentences shall not exceed the maximum term authorized  
36 under Section 5-8-1 for the 2 most serious felonies

1 involved. The aggregate minimum period of consecutive  
2 sentences shall not exceed the highest minimum term  
3 authorized under Section 5-8-1 for the 2 most serious  
4 felonies involved. When sentenced only for misdemeanors, a  
5 defendant shall not be consecutively sentenced to more than  
6 the maximum for one Class A misdemeanor.

7 (2) For sentences imposed under the law in effect on or  
8 after February 1, 1978, the aggregate of consecutive  
9 sentences for offenses that were committed as part of a  
10 single course of conduct during which there was no  
11 substantial change in the nature of the criminal objective  
12 shall not exceed the sum of the maximum terms authorized  
13 under Section 5-8-2 for the 2 most serious felonies  
14 involved, but no such limitation shall apply for offenses  
15 that were not committed as part of a single course of  
16 conduct during which there was no substantial change in the  
17 nature of the criminal objective. When sentenced only for  
18 misdemeanors, a defendant shall not be consecutively  
19 sentenced to more than the maximum for one Class A  
20 misdemeanor.

21 (d) An offender serving a sentence for a misdemeanor who is  
22 convicted of a felony and sentenced to imprisonment shall be  
23 transferred to the Department of Corrections, and the  
24 misdemeanor sentence shall be merged in and run concurrently  
25 with the felony sentence.

26 (e) In determining the manner in which consecutive  
27 sentences of imprisonment, one or more of which is for a  
28 felony, will be served, the Department of Corrections shall  
29 treat the offender as though he had been committed for a single  
30 term with the following incidents:

31 (1) the maximum period of a term of imprisonment shall  
32 consist of the aggregate of the maximums of the imposed  
33 indeterminate terms, if any, plus the aggregate of the  
34 imposed determinate sentences for felonies plus the  
35 aggregate of the imposed determinate sentences for  
36 misdemeanors subject to paragraph (c) of this Section;

1           (2) the parole or mandatory supervised release term  
2 shall be as provided in paragraph (e) of Section 5-8-1 of  
3 this Code for the most serious of the offenses involved;

4           (3) the minimum period of imprisonment shall be the  
5 aggregate of the minimum and determinate periods of  
6 imprisonment imposed by the court, subject to paragraph (c)  
7 of this Section; and

8           (4) the offender shall be awarded credit against the  
9 aggregate maximum term and the aggregate minimum term of  
10 imprisonment for all time served in an institution since  
11 the commission of the offense or offenses and as a  
12 consequence thereof at the rate specified in Section 3-6-3  
13 of this Code.

14           (f) A sentence of an offender committed to the Department  
15 of Corrections at the time of the commission of the offense  
16 shall be served consecutive to the sentence under which he is  
17 held by the Department of Corrections. However, in case such  
18 offender shall be sentenced to punishment by death, the  
19 sentence shall be executed at such time as the court may fix  
20 without regard to the sentence under which such offender may be  
21 held by the Department.

22           (g) A sentence under Section 3-6-4 for escape or attempted  
23 escape shall be served consecutive to the terms under which the  
24 offender is held by the Department of Corrections.

25           (h) If a person charged with a felony commits a separate  
26 felony while on pre-trial release or in pretrial detention in a  
27 county jail facility or county detention facility, the  
28 sentences imposed upon conviction of these felonies shall be  
29 served consecutively regardless of the order in which the  
30 judgments of conviction are entered.

31           (i) If a person admitted to bail following conviction of a  
32 felony commits a separate felony while free on bond or if a  
33 person detained in a county jail facility or county detention  
34 facility following conviction of a felony commits a separate  
35 felony while in detention, any sentence following conviction of  
36 the separate felony shall be consecutive to that of the

1 original sentence for which the defendant was on bond or  
2 detained.

3 (Source: P.A. 93-160, eff. 7-10-03; 93-768, eff. 7-20-04;  
4 94-556, eff. 9-11-05.)