



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB0043

Introduced 1/19/2007, by Rep. Timothy L. Schmitz

SYNOPSIS AS INTRODUCED:

720 ILCS 5/5-2.1 new

Amends the Criminal Code of 1961. Provides that accountability principles apply when a statute defining an offense or the term of imprisonment for an offense creates an increased penalty if the defendant was armed with a specific type of weapon. Provides that accountability principles do not apply when a statute defining an offense or the term of imprisonment creates an increased penalty if the defendant personally discharged a firearm or personally discharged a firearm that proximately caused great bodily harm, permanent disability, permanent disfigurement, or death to another person. Provides that being armed with a firearm is a lesser included finding of personally discharging a firearm; and both are lesser included findings of personally discharging a firearm that proximately caused great bodily harm, permanent disability, permanent disfigurement, or death to another person.

LRB095 03675 RLC 23702 b

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 adding
5 Section 5-2.1 as follows:

6 (720 ILCS 5/5-2.1 new)

7 Sec. 5-2.1. Accountability principles on enhanced
8 sentences; lesser included findings.

9 (a) Accountability principles apply when a statute
10 defining an offense or the term of imprisonment for an offense
11 creates an increased penalty if the defendant was armed with a
12 specific type of weapon.

13 (b) Accountability principles do not apply when a statute
14 defining an offense or the term of imprisonment creates an
15 increased penalty if the defendant personally discharged a
16 firearm or personally discharged a firearm that proximately
17 caused great bodily harm, permanent disability, permanent
18 disfigurement, or death to another person.

19 (c) Being armed with a firearm is a lesser included finding
20 of personally discharging a firearm; and both are lesser
21 included findings of personally discharging a firearm that
22 proximately caused great bodily harm, permanent disability,
23 permanent disfigurement, or death to another person.