

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. Natural life imprisonment; mandatory
8 supervised release.

9 (a) Except as otherwise provided in the statute defining
10 the offense or in Article 4.5 of Chapter V, a sentence of
11 imprisonment for a felony shall be a determinate sentence set
12 by the court under this Section, according to the following
13 limitations:

14 (1) for first degree murder,

15 (a) (blank),

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

1 (c) the court shall sentence the defendant to a
2 term of natural life imprisonment when the death
3 penalty is not imposed if the defendant,

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

6 (ii) is a person who, at the time of the
7 commission of the murder, had attained the age of
8 17 or more and is found guilty of murdering an
9 individual under 12 years of age; or, irrespective
10 of the defendant's age at the time of the
11 commission of the offense, is found guilty of
12 murdering more than one victim, or

13 (iii) is found guilty of murdering a peace
14 officer, fireman, or emergency management worker
15 when the peace officer, fireman, or emergency
16 management worker was killed in the course of
17 performing his official duties, or to prevent the
18 peace officer or fireman from performing his
19 official duties, or in retaliation for the peace
20 officer, fireman, or emergency management worker
21 from performing his official duties, and the
22 defendant knew or should have known that the
23 murdered individual was a peace officer, fireman,
24 or emergency management worker, or

25 (iv) is found guilty of murdering an employee
26 of an institution or facility of the Department of

1 Corrections, or any similar local correctional
2 agency, when the employee was killed in the course
3 of performing his official duties, or to prevent
4 the employee from performing his official duties,
5 or in retaliation for the employee performing his
6 official duties, or

7 (v) is found guilty of murdering an emergency
8 medical technician - ambulance, emergency medical
9 technician - intermediate, emergency medical
10 technician - paramedic, ambulance driver or other
11 medical assistance or first aid person while
12 employed by a municipality or other governmental
13 unit when the person was killed in the course of
14 performing official duties or to prevent the
15 person from performing official duties or in
16 retaliation for performing official duties and the
17 defendant knew or should have known that the
18 murdered individual was an emergency medical
19 technician - ambulance, emergency medical
20 technician - intermediate, emergency medical
21 technician - paramedic, ambulance driver, or other
22 medical assistant or first aid personnel, or

23 (vi) is a person who, at the time of the
24 commission of the murder, had not attained the age
25 of 17, and is found guilty of murdering a person
26 under 12 years of age and the murder is committed

1 during the course of aggravated criminal sexual
2 assault, criminal sexual assault, or aggravated
3 kidnaping, or

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

12 (viii) is found guilty of first degree murder
13 and the murder was accompanied by exceptionally
14 brutal or heinous behavior indicative of wanton
15 cruelty.

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

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

24 (ii) if, during the commission of the offense,
25 the person personally discharged a firearm, 20
26 years shall be added to the term of imprisonment

1 imposed by the court;

2 (iii) if, during the commission of the
3 offense, the person personally discharged a
4 firearm that proximately caused great bodily harm,
5 permanent disability, permanent disfigurement, or
6 death to another person, 25 years or up to a term
7 of natural life shall be added to the term of
8 imprisonment imposed by the court.

9 (2) (blank);

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

17 (b) (Blank~~→~~).

18 (c) (Blank~~→~~).

19 (d) Subject to earlier termination under Section 3-3-8, the
20 parole or mandatory supervised release term shall be as
21 follows:

22 (1) for first degree murder or a Class X felony except
23 for the offenses of predatory criminal sexual assault of a
24 child, aggravated criminal sexual assault, and criminal
25 sexual assault if committed on or after the effective date
26 of this amendatory Act of the 94th General Assembly and

1 except for the offense of aggravated child pornography
2 under Section 11-20.3 of the Criminal Code of 1961, if
3 committed on or after January 1, 2009, 3 years;

4 (2) for a Class 1 felony or a Class 2 felony except for
5 the offense of criminal sexual assault if committed on or
6 after the effective date of this amendatory Act of the 94th
7 General Assembly and except for the offenses of manufacture
8 and dissemination of child pornography under clauses
9 (a) (1) and (a) (2) of Section 11-20.1 of the Criminal Code
10 of 1961, if committed on or after January 1, 2009, 2 years;

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

12 (4) for defendants who commit the offense of predatory
13 criminal sexual assault of a child, aggravated criminal
14 sexual assault, or criminal sexual assault, on or after the
15 effective date of this amendatory Act of the 94th General
16 Assembly, or who commit the offense of aggravated child
17 pornography, manufacture of child pornography, or
18 dissemination of child pornography after January 1, 2009,
19 the term of mandatory supervised release shall range from a
20 minimum of 3 years to a maximum of the natural life of the
21 defendant;

22 (5) if the victim is under 18 years of age, for a
23 second or subsequent offense of aggravated criminal sexual
24 abuse or felony criminal sexual abuse, 4 years, at least
25 the first 2 years of which the defendant shall serve in an
26 electronic home detention program under Article 8A of

1 Chapter V of this Code;

2 (6) for a felony domestic battery, aggravated domestic
3 battery, stalking, aggravated stalking, and a felony
4 violation of an order of protection, 4 years.

5 (e) (Blank~~-~~).

6 (f) (Blank~~-~~).

7 (Source: P.A. 95-983, eff. 6-1-09; 95-1052, eff. 7-1-09;
8 96-282, eff. 1-1-10; revised 9-4-09.)