



Rep. Dennis M. Reboletti

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1 AMENDMENT TO HOUSE BILL 1927

2 AMENDMENT NO. _____. Amend House Bill 1927 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Unified Code of Corrections is amended by
5 changing Sections 5-4.5-20 and 5-8-1 as follows:

6 (730 ILCS 5/5-4.5-20)

7 Sec. 5-4.5-20. FIRST DEGREE MURDER; SENTENCE. For first
8 degree murder:

9 (a) TERM. The defendant shall be sentenced to imprisonment
10 or, if appropriate, death under Section 9-1 of the Criminal
11 Code of 1961 or the Criminal Code of 2012 (720 ILCS 5/9-1).
12 Imprisonment shall be for a determinate term of (1) not less
13 than 20 years and not more than 60 years; (2) not less than 60
14 years and not more than 100 years as provided in subsection
15 (c-5) of Section 5-8-1 (730 ILCS 5/5-8-1) or when an extended
16 term is imposed under Section 5-8-2 (730 ILCS 5/5-8-2); or (3)

1 natural life as provided in Section 5-8-1 (730 ILCS 5/5-8-1).

2 (b) PERIODIC IMPRISONMENT. A term of periodic imprisonment
3 shall not be imposed.

4 (c) IMPACT INCARCERATION. The impact incarceration program
5 or the county impact incarceration program is not an authorized
6 disposition.

7 (d) PROBATION; CONDITIONAL DISCHARGE. A period of
8 probation or conditional discharge shall not be imposed.

9 (e) FINE. Fines may be imposed as provided in Section
10 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

11 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
12 concerning restitution.

13 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
14 be concurrent or consecutive as provided in Section 5-8-4 (730
15 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

16 (h) DRUG COURT. Drug court is not an authorized
17 disposition.

18 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
19 ILCS 5/5-4.5-100) concerning no credit for time spent in home
20 detention prior to judgment.

21 (j) SENTENCE CREDIT. See Section 3-6-3 (730 ILCS 5/3-6-3)
22 for rules and regulations for sentence credit.

23 (k) ELECTRONIC HOME DETENTION. Electronic home detention
24 is not an authorized disposition, except in limited
25 circumstances as provided in Section 5-8A-3 (730 ILCS
26 5/5-8A-3).

1 (1) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
2 provided in Section 3-3-8 (730 ILCS 5/3-3-8), the parole or
3 mandatory supervised release term shall be 3 years upon release
4 from imprisonment.

5 (Source: P.A. 97-697, eff. 6-22-12; 97-1150, eff. 1-25-13.)

6 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

7 Sec. 5-8-1. Natural life imprisonment; enhancements for
8 use of a firearm; mandatory supervised release terms.

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) or (b-5) of Section 9-1 of the
22 Criminal Code of 1961 or the Criminal Code of 2012 are
23 present, the court may sentence the defendant to a term
24 of natural life imprisonment, or

25 (c) the court shall sentence the defendant to a

1 term of natural life imprisonment when the death
2 penalty is not imposed if the defendant,

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

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

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

24 (iv) is found guilty of murdering an employee
25 of an institution or facility of the Department of
26 Corrections, or any similar local correctional

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

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

22 (vi) (blank), or ~~is a person who, at the time~~
23 ~~of the commission of the murder, had not attained~~
24 ~~the age of 17, and is found guilty of murdering a~~
25 ~~person under 12 years of age and the murder is~~
26 ~~committed during the course of aggravated criminal~~

1 ~~sexual assault, criminal sexual assault, or~~
2 ~~aggravated kidnaping, or~~

3 (vii) is found guilty of first degree murder
4 and the murder was committed by reason of any
5 person's activity as a community policing
6 volunteer or to prevent any person from engaging in
7 activity as a community policing volunteer. For
8 the purpose of this Section, "community policing
9 volunteer" has the meaning ascribed to it in
10 Section 2-3.5 of the Criminal Code of 2012.

11 For purposes of clause (v), "emergency medical
12 technician - ambulance", "emergency medical technician
13 - intermediate", "emergency medical technician -
14 paramedic", have the meanings ascribed to them in the
15 Emergency Medical Services (EMS) Systems Act, or -

16 (c-5) if the defendant had not attained the age of
17 18 at the time of the commission of the murder, but is
18 found guilty of first degree murder and any of the
19 factors listed in subsection (c) of this Section are
20 present, the court shall sentence the defendant to a
21 term of imprisonment of not less than 60 years and not
22 more than 100 years, or to a term of natural life
23 imprisonment, or

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

1 (ii) if, during the commission of the offense,
2 the person personally discharged a firearm, 20
3 years shall be added to the term of imprisonment
4 imposed by the court;

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

12 (2) (blank);

13 (2.5) for a person convicted under the circumstances
14 described in subdivision (b)(1)(B) of Section 11-1.20 or
15 paragraph (3) of subsection (b) of Section 12-13,
16 subdivision (d)(2) of Section 11-1.30 or paragraph (2) of
17 subsection (d) of Section 12-14, subdivision (b)(1.2) of
18 Section 11-1.40 or paragraph (1.2) of subsection (b) of
19 Section 12-14.1, subdivision (b)(2) of Section 11-1.40 or
20 paragraph (2) of subsection (b) of Section 12-14.1 of the
21 Criminal Code of 1961 or the Criminal Code of 2012, the
22 sentence shall be a term of natural life imprisonment.

23 (b) (Blank).

24 (c) (Blank).

25 (d) Subject to earlier termination under Section 3-3-8, the
26 parole or mandatory supervised release term shall be written as

1 part of the sentencing order and shall be as follows:

2 (1) for first degree murder or a Class X felony except
3 for the offenses of predatory criminal sexual assault of a
4 child, aggravated criminal sexual assault, and criminal
5 sexual assault if committed on or after the effective date
6 of this amendatory Act of the 94th General Assembly and
7 except for the offense of aggravated child pornography
8 under Section 11-20.1B, 11-20.3, or 11-20.1 with
9 sentencing under subsection (c-5) of Section 11-20.1 of the
10 Criminal Code of 1961 or the Criminal Code of 2012, if
11 committed on or after January 1, 2009, 3 years;

12 (2) for a Class 1 felony or a Class 2 felony except for
13 the offense of criminal sexual assault if committed on or
14 after the effective date of this amendatory Act of the 94th
15 General Assembly and except for the offenses of manufacture
16 and dissemination of child pornography under clauses
17 (a) (1) and (a) (2) of Section 11-20.1 of the Criminal Code
18 of 1961 or the Criminal Code of 2012, if committed on or
19 after January 1, 2009, 2 years;

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

21 (4) for defendants who commit the offense of predatory
22 criminal sexual assault of a child, aggravated criminal
23 sexual assault, or criminal sexual assault, on or after the
24 effective date of this amendatory Act of the 94th General
25 Assembly, or who commit the offense of aggravated child
26 pornography under Section 11-20.1B, 11-20.3, or 11-20.1

1 with sentencing under subsection (c-5) of Section 11-20.1
2 of the Criminal Code of 1961 or the Criminal Code of 2012,
3 manufacture of child pornography, or dissemination of
4 child pornography after January 1, 2009, the term of
5 mandatory supervised release shall range from a minimum of
6 3 years to a maximum of the natural life of the defendant;

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

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

16 (e) (Blank).

17 (f) (Blank).

18 (Source: P.A. 96-282, eff. 1-1-10; 96-1000, eff. 7-2-10;
19 96-1200, eff. 7-22-10; 96-1475, eff. 1-1-11; 96-1551, eff.
20 7-1-11; 97-333, eff. 8-12-11; 97-531, eff. 1-1-12; 97-1109,
21 eff. 1-1-13; 97-1150, eff. 1-25-13.)".