



## 98TH GENERAL ASSEMBLY

### State of Illinois

### 2013 and 2014

#### HB5927

by Rep. Dennis M. Reboletti

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Unified Code of Corrections concerning the sentence for first degree murder. Provides that if the defendant had not attained the age of 18 at the time of the commission of the murder, but is found guilty of first degree murder and certain aggravating factors are present, the court shall sentence the defendant to a term of imprisonment of not less than 60 years and not more than 100 years, or to a term of natural life imprisonment. Eliminates provision that requires the court to sentence a defendant to a term of natural life imprisonment if the defendant is a person who, at the time of the commission of the murder, had attained the age of 17 or more and is found guilty of murdering an individual under 12 years of age. Eliminates provision that requires the court to sentence a defendant to a term of natural life imprisonment if the defendant is a person who, at the time of the commission of the murder, had not attained the age of 17, and is found guilty of murdering a person under 12 years of age and the murder is committed during the course of aggravated criminal sexual assault, criminal sexual assault, or aggravated kidnaping. Provides that if and only if the Illinois Supreme Court determines the sentencing requirements set forth by the United States Supreme Court in *Miller v. Alabama* are to be applied retroactively, then the Prisoner Review Board may conduct a hearing on any prisoner serving a sentence of natural life imprisonment if the prisoner was under 18 years of age at the time of the commission of the offense. Provides that if the Prisoner Review Board, by a majority vote of the full Board, determines that the sentencing requirements of *Miller v. Alabama* apply to the prisoner, the Board shall consider specified factors in recommending to the Governor, in exercise of his or her powers under Section 12 of Article V of the Illinois Constitution to grant commutations, after conviction, for all offenses on such terms as he or she thinks proper, the time to be served by the prisoner that the Board deems appropriate. Provides that the Governor may delegate his or her authority to commute the sentence of a prisoner to whom *Miller v. Alabama* applies to the Prisoner Review Board on any terms as he or she thinks proper. Effective immediately.

LRB098 16356 RLC 51418 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 Unified Code of Corrections is amended by  
5 changing Sections 3-3-2, 3-3-13, 5-4.5-20, and 5-8-1 as  
6 follows:

7 (730 ILCS 5/3-3-2) (from Ch. 38, par. 1003-3-2)

8 Sec. 3-3-2. Powers and Duties.

9 (a) The Parole and Pardon Board is abolished and the term  
10 "Parole and Pardon Board" as used in any law of Illinois, shall  
11 read "Prisoner Review Board." After the effective date of this  
12 amendatory Act of 1977, the Prisoner Review Board shall provide  
13 by rule for the orderly transition of all files, records, and  
14 documents of the Parole and Pardon Board and for such other  
15 steps as may be necessary to effect an orderly transition and  
16 shall:

17 (1) hear by at least one member and through a panel of  
18 at least 3 members decide, cases of prisoners who were  
19 sentenced under the law in effect prior to the effective  
20 date of this amendatory Act of 1977, and who are eligible  
21 for parole;

22 (2) hear by at least one member and through a panel of  
23 at least 3 members decide, the conditions of parole and the

1 time of discharge from parole, impose sanctions for  
2 violations of parole, and revoke parole for those sentenced  
3 under the law in effect prior to this amendatory Act of  
4 1977; provided that the decision to parole and the  
5 conditions of parole for all prisoners who were sentenced  
6 for first degree murder or who received a minimum sentence  
7 of 20 years or more under the law in effect prior to  
8 February 1, 1978 shall be determined by a majority vote of  
9 the Prisoner Review Board. One representative supporting  
10 parole and one representative opposing parole will be  
11 allowed to speak. Their comments shall be limited to making  
12 corrections and filling in omissions to the Board's  
13 presentation and discussion;

14 (3) hear by at least one member and through a panel of  
15 at least 3 members decide, the conditions of mandatory  
16 supervised release and the time of discharge from mandatory  
17 supervised release, impose sanctions for violations of  
18 mandatory supervised release, and revoke mandatory  
19 supervised release for those sentenced under the law in  
20 effect after the effective date of this amendatory Act of  
21 1977;

22 (3.5) hear by at least one member and through a panel  
23 of at least 3 members decide, the conditions of mandatory  
24 supervised release and the time of discharge from mandatory  
25 supervised release, to impose sanctions for violations of  
26 mandatory supervised release and revoke mandatory

1 supervised release for those serving extended supervised  
2 release terms pursuant to paragraph (4) of subsection (d)  
3 of Section 5-8-1;

4 (3.6) hear by at least one member and through a panel  
5 of at least 3 members decide, the time of aftercare  
6 release, the conditions of aftercare release and the time  
7 of discharge from aftercare release, impose sanctions for  
8 violations of aftercare release, and revoke aftercare  
9 release for those adjudicated delinquent under the  
10 Juvenile Court Act of 1987;

11 (4) hear by at least one member and through a panel of  
12 at least 3 members, decide cases brought by the Department  
13 of Corrections against a prisoner in the custody of the  
14 Department for alleged violation of Department rules with  
15 respect to sentence credits under Section 3-6-3 of this  
16 Code in which the Department seeks to revoke sentence  
17 credits, if the amount of time at issue exceeds 30 days or  
18 when, during any 12 month period, the cumulative amount of  
19 credit revoked exceeds 30 days except where the infraction  
20 is committed or discovered within 60 days of scheduled  
21 release. In such cases, the Department of Corrections may  
22 revoke up to 30 days of sentence credit. The Board may  
23 subsequently approve the revocation of additional sentence  
24 credit, if the Department seeks to revoke sentence credit  
25 in excess of thirty days. However, the Board shall not be  
26 empowered to review the Department's decision with respect

1 to the loss of 30 days of sentence credit for any prisoner  
2 or to increase any penalty beyond the length requested by  
3 the Department;

4 (5) hear by at least one member and through a panel of  
5 at least 3 members decide, the release dates for certain  
6 prisoners sentenced under the law in existence prior to the  
7 effective date of this amendatory Act of 1977, in  
8 accordance with Section 3-3-2.1 of this Code;

9 (6) hear by at least one member and through a panel of  
10 at least 3 members decide, all requests for pardon,  
11 reprieve or commutation, and make confidential  
12 recommendations to the Governor;

13 (7) comply with the requirements of the Open Parole  
14 Hearings Act;

15 (8) hear by at least one member and, through a panel of  
16 at least 3 members, decide cases brought by the Department  
17 of Corrections against a prisoner in the custody of the  
18 Department for court dismissal of a frivolous lawsuit  
19 pursuant to Section 3-6-3(d) of this Code in which the  
20 Department seeks to revoke up to 180 days of sentence  
21 credit, and if the prisoner has not accumulated 180 days of  
22 sentence credit at the time of the dismissal, then all  
23 sentence credit accumulated by the prisoner shall be  
24 revoked;

25 (9) hear by at least 3 members, and, through a panel of  
26 at least 3 members, decide whether to grant certificates of

1 relief from disabilities or certificates of good conduct as  
2 provided in Article 5.5 of Chapter V;

3 (10) upon a petition by a person who has been convicted  
4 of a Class 3 or Class 4 felony and who meets the  
5 requirements of this paragraph, hear by at least 3 members  
6 and, with the unanimous vote of a panel of 3 members, issue  
7 a certificate of eligibility for sealing recommending that  
8 the court order the sealing of all official records of the  
9 arresting authority, the circuit court clerk, and the  
10 Department of State Police concerning the arrest and  
11 conviction for the Class 3 or 4 felony. A person may not  
12 apply to the Board for a certificate of eligibility for  
13 sealing:

14 (A) until 5 years have elapsed since the expiration  
15 of his or her sentence;

16 (B) until 5 years have elapsed since any arrests or  
17 detentions by a law enforcement officer for an alleged  
18 violation of law, other than a petty offense, traffic  
19 offense, conservation offense, or local ordinance  
20 offense;

21 (C) if convicted of a violation of the Cannabis  
22 Control Act, Illinois Controlled Substances Act, the  
23 Methamphetamine Control and Community Protection Act,  
24 the Methamphetamine Precursor Control Act, or the  
25 Methamphetamine Precursor Tracking Act unless the  
26 petitioner has completed a drug abuse program for the

1 offense on which sealing is sought and provides proof  
2 that he or she has completed the program successfully;

3 (D) if convicted of:

4 (i) a sex offense described in Article 11 or  
5 Sections 12-13, 12-14, 12-14.1, 12-15, or 12-16 of  
6 the Criminal Code of 1961 or the Criminal Code of  
7 2012;

8 (ii) aggravated assault;

9 (iii) aggravated battery;

10 (iv) domestic battery;

11 (v) aggravated domestic battery;

12 (vi) violation of an order of protection;

13 (vii) an offense under the Criminal Code of  
14 1961 or the Criminal Code of 2012 involving a  
15 firearm;

16 (viii) driving while under the influence of  
17 alcohol, other drug or drugs, intoxicating  
18 compound or compounds or any combination thereof;

19 (ix) aggravated driving while under the  
20 influence of alcohol, other drug or drugs,  
21 intoxicating compound or compounds or any  
22 combination thereof; or

23 (x) any crime defined as a crime of violence  
24 under Section 2 of the Crime Victims Compensation  
25 Act.

26 If a person has applied to the Board for a certificate

1 of eligibility for sealing and the Board denies the  
2 certificate, the person must wait at least 4 years before  
3 filing again or filing for pardon from the Governor unless  
4 the Chairman of the Prisoner Review Board grants a waiver.

5 The decision to issue or refrain from issuing a  
6 certificate of eligibility for sealing shall be at the  
7 Board's sole discretion, and shall not give rise to any  
8 cause of action against either the Board or its members.

9 The Board may only authorize the sealing of Class 3 and  
10 4 felony convictions of the petitioner from one information  
11 or indictment under this paragraph (10). A petitioner may  
12 only receive one certificate of eligibility for sealing  
13 under this provision for life; ~~and~~

14 (11) upon a petition by a person who after having been  
15 convicted of a Class 3 or Class 4 felony thereafter served  
16 in the United States Armed Forces or National Guard of this  
17 or any other state and had received an honorable discharge  
18 from the United States Armed Forces or National Guard or  
19 who at the time of filing the petition is enlisted in the  
20 United States Armed Forces or National Guard of this or any  
21 other state and served one tour of duty and who meets the  
22 requirements of this paragraph, hear by at least 3 members  
23 and, with the unanimous vote of a panel of 3 members, issue  
24 a certificate of eligibility for expungement recommending  
25 that the court order the expungement of all official  
26 records of the arresting authority, the circuit court



1 clerk, and the Department of State Police concerning the  
2 arrest and conviction for the Class 3 or 4 felony. A person  
3 may not apply to the Board for a certificate of eligibility  
4 for expungement:

5 (A) if convicted of:

6 (i) a sex offense described in Article 11 or  
7 Sections 12-13, 12-14, 12-14.1, 12-15, or 12-16 of  
8 the Criminal Code of 1961 or Criminal Code of 2012;

9 (ii) an offense under the Criminal Code of 1961  
10 or Criminal Code of 2012 involving a firearm; or

11 (iii) a crime of violence as defined in Section  
12 2 of the Crime Victims Compensation Act; or

13 (B) if the person has not served in the United  
14 States Armed Forces or National Guard of this or any  
15 other state or has not received an honorable discharge  
16 from the United States Armed Forces or National Guard  
17 of this or any other state or who at the time of the  
18 filing of the petition is serving in the United States  
19 Armed Forces or National Guard of this or any other  
20 state and has not completed one tour of duty.

21 If a person has applied to the Board for a certificate  
22 of eligibility for expungement and the Board denies the  
23 certificate, the person must wait at least 4 years before  
24 filing again or filing for a pardon with authorization for  
25 expungement from the Governor unless the Governor or  
26 Chairman of the Prisoner Review Board grants a waiver; and

1 -

2 (12) if and only if the Illinois Supreme Court  
3 determines the sentencing requirements set forth by the  
4 United States Supreme Court in Miller v. Alabama, 132 S.  
5 Ct. 2455 (2012), are to be applied retroactively, hear and  
6 decide commutation, as provided in this paragraph, of a  
7 prisoner serving a sentence of natural life imprisonment if  
8 the prisoner was under 18 years of age at the time of the  
9 commission of the offense, and make confidential  
10 recommendations to the Governor. Notice of the hearing  
11 shall be given to the committing court, the State's  
12 Attorney of the county where the conviction was had, and  
13 victim representative. At the hearing the prisoner may be  
14 represented by counsel. If the Board, by a majority vote of  
15 the full Board, determines that the sentencing  
16 requirements of Miller v. Alabama apply to the prisoner,  
17 the Board shall consider the following factors in  
18 recommending to the Governor the time to be served by the  
19 prisoner that the Board deems appropriate:

20 (A) the prisoner's chronological age and its  
21 hallmark features, among them, immaturity,  
22 impetuosity, and failure to appreciate risks and  
23 consequences at the time of the commission of the  
24 offense;

25 (B) the prisoner's family and home environment  
26 that surrounds him or her;

1           (C) the circumstances of the homicide offense,  
2           including the extent of the prisoner's participation  
3           in the conduct and the way familial and peer pressures  
4           may have affected the prisoner;

5           (D) whether the prisoner might have been charged  
6           and convicted of a lesser offense if not for  
7           incompetencies associated with youth, for example, his  
8           or her inability to deal with police officers or  
9           prosecutors (including on a plea agreement) or his or  
10          her incapacity to assist his or her own attorneys; and

11          (E) whether natural life imprisonment disregards  
12          the possibility of rehabilitation even when the  
13          circumstances most suggest it.

14          After hearing and full consideration of the above factors  
15          the Board may, by a majority vote of the full Board,  
16          confidentially recommend to the Governor:

17           (i) the sentence of natural life imprisonment imposed  
18           by the court to remain in effect;

19           (ii) commutation of sentence to a set term less than  
20           natural life; or

21           (iii) commutation of sentence to time served; and

22           (iv) if commutation is recommended any condition,  
23           including a term of mandatory supervised release upon  
24           release, the Board thinks proper.

25          The Governor shall decide each Board submitted prisoner  
26          commutation application and communicate his or her decision to

1 the Board which shall notify the prisoner.

2 In the event a prisoner is granted a release, after the  
3 Governor has communicated this decision to the Board, the Board  
4 shall give written notice to the sheriff of the county from  
5 which the offender was sentenced if the sheriff has requested  
6 that clemency notice be given on a continuing basis. In cases  
7 where arrest of the offender or the commission of the offense  
8 took place in any municipality with a population of more than  
9 10,000 persons, the Board shall also give written notice to the  
10 proper law enforcement agency for the municipality which has  
11 requested clemency notice on a continuing basis.

12 This paragraph (12) only applies to prisoners to whom  
13 Miller v. Alabama applies retroactively on the date of the  
14 Illinois Supreme Court decision.

15 The Governor may delegate his or her authority to commute  
16 the sentence of a prisoner described in this paragraph (12) to  
17 the Board on any terms as he or she thinks proper.

18 (a-5) The Prisoner Review Board, with the cooperation of  
19 and in coordination with the Department of Corrections and the  
20 Department of Central Management Services, shall implement a  
21 pilot project in 3 correctional institutions providing for the  
22 conduct of hearings under paragraphs (1) and (4) of subsection  
23 (a) of this Section through interactive video conferences. The  
24 project shall be implemented within 6 months after the  
25 effective date of this amendatory Act of 1996. Within 6 months  
26 after the implementation of the pilot project, the Prisoner

1 Review Board, with the cooperation of and in coordination with  
2 the Department of Corrections and the Department of Central  
3 Management Services, shall report to the Governor and the  
4 General Assembly regarding the use, costs, effectiveness, and  
5 future viability of interactive video conferences for Prisoner  
6 Review Board hearings.

7 (b) Upon recommendation of the Department the Board may  
8 restore sentence credit previously revoked.

9 (c) The Board shall cooperate with the Department in  
10 promoting an effective system of parole, aftercare release, and  
11 mandatory supervised release.

12 (d) The Board shall promulgate rules for the conduct of its  
13 work, and the Chairman shall file a copy of such rules and any  
14 amendments thereto with the Director and with the Secretary of  
15 State.

16 (e) The Board shall keep records of all of its official  
17 actions and shall make them accessible in accordance with law  
18 and the rules of the Board.

19 (f) The Board or one who has allegedly violated the  
20 conditions of his or her parole, aftercare release, or  
21 mandatory supervised release may require by subpoena the  
22 attendance and testimony of witnesses and the production of  
23 documentary evidence relating to any matter under  
24 investigation or hearing. The Chairman of the Board may sign  
25 subpoenas which shall be served by any agent or public official  
26 authorized by the Chairman of the Board, or by any person

1 lawfully authorized to serve a subpoena under the laws of the  
2 State of Illinois. The attendance of witnesses, and the  
3 production of documentary evidence, may be required from any  
4 place in the State to a hearing location in the State before  
5 the Chairman of the Board or his or her designated agent or  
6 agents or any duly constituted Committee or Subcommittee of the  
7 Board. Witnesses so summoned shall be paid the same fees and  
8 mileage that are paid witnesses in the circuit courts of the  
9 State, and witnesses whose depositions are taken and the  
10 persons taking those depositions are each entitled to the same  
11 fees as are paid for like services in actions in the circuit  
12 courts of the State. Fees and mileage shall be vouchered for  
13 payment when the witness is discharged from further attendance.

14 In case of disobedience to a subpoena, the Board may  
15 petition any circuit court of the State for an order requiring  
16 the attendance and testimony of witnesses or the production of  
17 documentary evidence or both. A copy of such petition shall be  
18 served by personal service or by registered or certified mail  
19 upon the person who has failed to obey the subpoena, and such  
20 person shall be advised in writing that a hearing upon the  
21 petition will be requested in a court room to be designated in  
22 such notice before the judge hearing motions or extraordinary  
23 remedies at a specified time, on a specified date, not less  
24 than 10 nor more than 15 days after the deposit of the copy of  
25 the written notice and petition in the U.S. mails addressed to  
26 the person at his last known address or after the personal

1 service of the copy of the notice and petition upon such  
2 person. The court upon the filing of such a petition, may order  
3 the person refusing to obey the subpoena to appear at an  
4 investigation or hearing, or to there produce documentary  
5 evidence, if so ordered, or to give evidence relative to the  
6 subject matter of that investigation or hearing. Any failure to  
7 obey such order of the circuit court may be punished by that  
8 court as a contempt of court.

9 Each member of the Board and any hearing officer designated  
10 by the Board shall have the power to administer oaths and to  
11 take the testimony of persons under oath.

12 (g) Except under subsection (a) of this Section, a majority  
13 of the members then appointed to the Prisoner Review Board  
14 shall constitute a quorum for the transaction of all business  
15 of the Board.

16 (h) The Prisoner Review Board shall annually transmit to  
17 the Director a detailed report of its work for the preceding  
18 calendar year. The annual report shall also be transmitted to  
19 the Governor for submission to the Legislature.

20 (Source: P.A. 97-697, eff. 6-22-12; 97-1120, eff. 1-1-13;  
21 97-1150, eff. 1-25-13; 98-399, eff. 8-16-13; 98-558, eff.  
22 1-1-14; revised 8-28-13.)

23 (730 ILCS 5/3-3-13) (from Ch. 38, par. 1003-3-13)

24 Sec. 3-3-13. Procedure for Executive Clemency.

25 (a) Petitions seeking pardon, commutation, or reprieve

1 shall be addressed to the Governor and filed with the Prisoner  
2 Review Board. The petition shall be in writing and signed by  
3 the person under conviction or by a person on his behalf. It  
4 shall contain a brief history of the case, the reasons for  
5 seeking executive clemency, and other relevant information the  
6 Board may require.

7 (a-5) After a petition has been denied by the Governor, the  
8 Board may not accept a repeat petition for executive clemency  
9 for the same person until one full year has elapsed from the  
10 date of the denial. The Chairman of the Board may waive the  
11 one-year requirement if the petitioner offers in writing new  
12 information that was unavailable to the petitioner at the time  
13 of the filing of the prior petition and which the Chairman  
14 determines to be significant. The Chairman also may waive the  
15 one-year waiting period if the petitioner can show that a  
16 change in circumstances of a compelling humanitarian nature has  
17 arisen since the denial of the prior petition.

18 (b) Notice of the proposed application shall be given by  
19 the Board to the committing court and the state's attorney of  
20 the county where the conviction was had.

21 (c) The Board shall, if requested and upon due notice, give  
22 a hearing to each application, allowing representation by  
23 counsel, if desired, after which it shall confidentially advise  
24 the Governor by a written report of its recommendations which  
25 shall be determined by majority vote. The Board shall meet to  
26 consider such petitions no less than 4 times each year.



1           Application for executive clemency under this Section may  
2 not be commenced on behalf of a person who has been sentenced  
3 to death without the written consent of the defendant, unless  
4 the defendant, because of a mental or physical condition, is  
5 incapable of asserting his or her own claim.

6           (d) The Governor shall decide each application and  
7 communicate his decision to the Board which shall notify the  
8 petitioner.

9           In the event a petitioner who has been convicted of a Class  
10 X felony is granted a release, after the Governor has  
11 communicated such decision to the Board, the Board shall give  
12 written notice to the Sheriff of the county from which the  
13 offender was sentenced if such sheriff has requested that such  
14 notice be given on a continuing basis. In cases where arrest of  
15 the offender or the commission of the offense took place in any  
16 municipality with a population of more than 10,000 persons, the  
17 Board shall also give written notice to the proper law  
18 enforcement agency for said municipality which has requested  
19 notice on a continuing basis.

20           (d-5) If and only if the Illinois Supreme Court determines  
21 the sentencing requirements set forth by the United States  
22 Supreme Court in Miller v. Alabama, 132 S. Ct. 2455 (2012), are  
23 to be applied retroactively, then the Prisoner Review Board may  
24 consider, without a petition, commutation of a prisoner serving  
25 a sentence of natural life imprisonment if the prisoner was  
26 under 18 years of age at the time of the commission of the

1 offense and the Board, by a majority vote of the full Board,  
2 determines the sentencing requirements of Miller v. Alabama  
3 applies to the prisoner. The Board shall conduct a hearing and  
4 make recommendations to the Governor as provided in paragraph  
5 (12) of subsection (g) of Section 3-3-2 of this Code.

6 (e) Nothing in this Section shall be construed to limit the  
7 power of the Governor under the constitution to grant a  
8 reprieve, commutation of sentence, or pardon.

9 (Source: P.A. 89-112, eff. 7-7-95; 89-684, eff. 6-1-97.)

10 (730 ILCS 5/5-4.5-20)

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

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

22 (b) PERIODIC IMPRISONMENT. A term of periodic imprisonment  
23 shall not be imposed.

24 (c) IMPACT INCARCERATION. The impact incarceration program  
25 or the county impact incarceration program is not an authorized

1 disposition.

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

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

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

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

11 (h) DRUG COURT. Drug court is not an authorized  
12 disposition.

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

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

18 (k) ELECTRONIC HOME DETENTION. Electronic home detention  
19 is not an authorized disposition, except in limited  
20 circumstances as provided in Section 5-8A-3 (730 ILCS  
21 5/5-8A-3).

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

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

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

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

4 (a) Except as otherwise provided in the statute defining  
5 the offense or in Article 4.5 of Chapter V, a sentence of  
6 imprisonment for a felony shall be a determinate sentence set  
7 by the court under this Section, according to the following  
8 limitations:

9 (1) for first degree murder,

10 (a) (blank),

11 (b) if a trier of fact finds beyond a reasonable  
12 doubt that the murder was accompanied by exceptionally  
13 brutal or heinous behavior indicative of wanton  
14 cruelty or, except as set forth in subsection (a) (1) (c)  
15 of this Section, that any of the aggravating factors  
16 listed in subsection (b) or (b-5) of Section 9-1 of the  
17 Criminal Code of 1961 or the Criminal Code of 2012 are  
18 present, the court may sentence the defendant to a term  
19 of natural life imprisonment, or

20 (c) the court shall sentence the defendant to a  
21 term of natural life imprisonment when the death  
22 penalty is not imposed if the defendant,

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

25 (ii) ~~is a person who, at the time of the~~

1 ~~commission of the murder, had attained the age of~~  
2 ~~17 or more and is found guilty of murdering an~~  
3 ~~individual under 12 years of age; or, irrespective~~  
4 ~~of the defendant's age at the time of the~~  
5 ~~commission of the offense,~~ is found guilty of  
6 murdering more than one victim, or

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

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

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

17 (vi) (blank), or ~~is a person who, at the time~~  
18 ~~of the commission of the murder, had not attained~~  
19 ~~the age of 17, and is found guilty of murdering a~~  
20 ~~person under 12 years of age and the murder is~~  
21 ~~committed during the course of aggravated criminal~~  
22 ~~sexual assault, criminal sexual assault, or~~  
23 ~~aggravated kidnaping, or~~

24 (vii) is found guilty of first degree murder  
25 and the murder was committed by reason of any  
26 person's activity as a community policing

1 volunteer or to prevent any person from engaging in  
2 activity as a community policing volunteer. For  
3 the purpose of this Section, "community policing  
4 volunteer" has the meaning ascribed to it in  
5 Section 2-3.5 of the Criminal Code of 2012.

6 For purposes of clause (v), "emergency medical  
7 technician - ambulance", "emergency medical technician  
8 - intermediate", "emergency medical technician -  
9 paramedic", have the meanings ascribed to them in the  
10 Emergency Medical Services (EMS) Systems Act.

11 (c-5) if the defendant had not attained the age of  
12 18 at the time of the commission of the murder, but is  
13 found guilty of first degree murder and any of the  
14 factors listed in subsection (c) of this Section are  
15 present, the court shall sentence the defendant to a  
16 term of imprisonment of not less than 60 years and not  
17 more than 100 years, or to a term of natural life  
18 imprisonment.

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

22 (ii) if, during the commission of the offense,  
23 the person personally discharged a firearm, 20  
24 years shall be added to the term of imprisonment  
25 imposed by the court;

26 (iii) if, during the commission of the

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

7 (2) (blank);

8 (2.5) for a person convicted under the circumstances  
9 described in subdivision (b)(1)(B) of Section 11-1.20 or  
10 paragraph (3) of subsection (b) of Section 12-13,  
11 subdivision (d)(2) of Section 11-1.30 or paragraph (2) of  
12 subsection (d) of Section 12-14, subdivision (b)(1.2) of  
13 Section 11-1.40 or paragraph (1.2) of subsection (b) of  
14 Section 12-14.1, subdivision (b)(2) of Section 11-1.40 or  
15 paragraph (2) of subsection (b) of Section 12-14.1 of the  
16 Criminal Code of 1961 or the Criminal Code of 2012, the  
17 sentence shall be a term of natural life imprisonment.

18 (b) (Blank).

19 (c) (Blank).

20 (d) Subject to earlier termination under Section 3-3-8, the  
21 parole or mandatory supervised release term shall be written as  
22 part of the sentencing order and shall be as follows:

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



1 of this amendatory Act of the 94th General Assembly and  
2 except for the offense of aggravated child pornography  
3 under Section 11-20.1B, 11-20.3, or 11-20.1 with  
4 sentencing under subsection (c-5) of Section 11-20.1 of the  
5 Criminal Code of 1961 or the Criminal Code of 2012, if  
6 committed on or after January 1, 2009, 3 years;

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

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

16 (4) for defendants who commit the offense of predatory  
17 criminal sexual assault of a child, aggravated criminal  
18 sexual assault, or criminal sexual assault, on or after the  
19 effective date of this amendatory Act of the 94th General  
20 Assembly, or who commit the offense of aggravated child  
21 pornography under Section 11-20.1B, 11-20.3, or 11-20.1  
22 with sentencing under subsection (c-5) of Section 11-20.1  
23 of the Criminal Code of 1961 or the Criminal Code of 2012,  
24 manufacture of child pornography, or dissemination of  
25 child pornography after January 1, 2009, the term of  
26 mandatory supervised release shall range from a minimum of

1           3 years to a maximum of the natural life of the defendant;  
2           (5) if the victim is under 18 years of age, for a  
3           second or subsequent offense of aggravated criminal sexual  
4           abuse or felony criminal sexual abuse, 4 years, at least  
5           the first 2 years of which the defendant shall serve in an  
6           electronic home detention program under Article 8A of  
7           Chapter V of this Code;  
8           (6) for a felony domestic battery, aggravated domestic  
9           battery, stalking, aggravated stalking, and a felony  
10          violation of an order of protection, 4 years.

11          (e) (Blank).

12          (f) (Blank).

13          (Source: P.A. 96-282, eff. 1-1-10; 96-1000, eff. 7-2-10;  
14          96-1200, eff. 7-22-10; 96-1475, eff. 1-1-11; 96-1551, eff.  
15          7-1-11; 97-333, eff. 8-12-11; 97-531, eff. 1-1-12; 97-1109,  
16          eff. 1-1-13; 97-1150, eff. 1-25-13.)

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

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Statutes amended in order of appearance

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730 ILCS 5/3-3-2

from Ch. 38, par. 1003-3-2

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730 ILCS 5/3-3-13

from Ch. 38, par. 1003-3-13

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730 ILCS 5/5-4.5-20

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730 ILCS 5/5-8-1

from Ch. 38, par. 1005-8-1