

1 AN ACT in relation to 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
5 changing Section 8-4 as follows:

6 (720 ILCS 5/8-4) (from Ch. 38, par. 8-4)
7 Sec. 8-4. Attempt.

8 (a) Elements of the Offense.

9 A person commits an attempt when, with intent to commit a
10 specific offense, he does any act which constitutes a
11 substantial step toward the commission of that offense.

12 (b) Impossibility.

13 It shall not be a defense to a charge of attempt that
14 because of a misapprehension of the circumstances it would
15 have been impossible for the accused to commit the offense
16 attempted.

17 (c) Sentence.

18 A person convicted of an attempt may be fined or
19 imprisoned or both not to exceed the maximum provided for the
20 offense attempted, but, Except for an attempt to commit the
21 offense defined in Section 33A-2 of this Act,

22 (1) the minimum sentence for attempt to commit
23 first degree murder is the minimum sentence for a Class X
24 felony, except that

25 (A) the minimum sentence for an attempt to
26 commit first degree murder when at least one of the
27 aggravating factors specified in paragraphs (1), (2)
28 and (12) of subsection (b) of Section 9-1 is present
29 is a minimum ~~Class-X-felony-for-which--the--sentence~~
30 ~~shall--be-a~~ term of imprisonment of not less than 20
31 ~~years and-not-more-than-80-years;~~

1 (B) the minimum sentence for an attempt to
2 commit first degree murder while armed with a
3 firearm is the minimum sentence for a Class X felony
4 for which 15 years shall be added to the term of
5 imprisonment imposed by the court;

6 (C) the minimum sentence for an attempt to
7 commit first degree murder during which the person
8 personally discharged a firearm is the minimum
9 sentence for a Class X felony for which 20 years
10 shall be added to the term of imprisonment imposed
11 by the court;

12 (D) the minimum sentence for an attempt to
13 commit first degree murder during which the person
14 personally discharged a firearm that proximately
15 caused great bodily harm, permanent disability,
16 permanent disfigurement, or death to another person,
17 is the minimum sentence for a Class X felony for
18 which at least 25 years ~~or up to a term of natural~~
19 ~~life~~ shall be added to the term of imprisonment
20 imposed by the court.

21 (2) the minimum sentence for attempt to commit a
22 Class X felony is the minimum sentence for a Class 1
23 felony;

24 (3) the minimum sentence for attempt to commit a
25 Class 1 felony is the minimum sentence for a Class 2
26 felony;

27 (4) the minimum sentence for attempt to commit a
28 Class 2 felony is the minimum sentence for a Class 3
29 felony; and

30 (5) the minimum sentence for attempt to commit any
31 felony other than those specified in subsections (1),
32 (2), (3) and (4) hereof is the minimum sentence for a
33 Class A misdemeanor.

34 (Source: P.A. 91-404, eff. 1-1-00; 91-696, eff. 4-13-00.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.