



SENATE JOURNAL

STATE OF ILLINOIS

NINETY-FIFTH GENERAL ASSEMBLY

65TH LEGISLATIVE DAY

FRIDAY, JULY 13, 2007

1:19 O'CLOCK P.M.

**SENATE
Daily Journal Index
65th Legislative Day**

Action

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Bill Number Legislative Action

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The Senate met pursuant to adjournment.
 Senator James A. DeLeo, Chicago, Illinois, presiding.
 Prayer by Pastor John Wentz, South Side Christian Church, Springfield, Illinois.
 Senator Jacobs led the Senate in the Pledge of Allegiance.

The Journal of Thursday, July 12, 2007, was being read when on motion of Senator Hunter, further reading of same was dispensed with, and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

MESSAGES FROM THE HOUSE

A message from the House by

Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 1023

A bill for AN ACT concerning criminal law.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 1023

Passed the House, as amended, July 12, 2007.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 1023

AMENDMENT NO. 1. Amend Senate Bill 1023 on page 1, by inserting immediately below line 3 the following:

"Section 2. The Illinois Criminal Justice Information Act is amended by adding Section 7.6 as follows:

(20 ILCS 3930/7.6 new)

Sec. 7.6. Capital Crimes Database.

(a) Subject to appropriation, a Capital Crimes Database shall be created within the Illinois Criminal Justice Information Authority (ICJIA).

(b) The ICJIA shall collect and retain in the Capital Crimes Database all information on the prosecution, pendency, and disposition of capital and capital eligible cases in Illinois. The Capital Crimes Database shall serve as a repository for all of the foregoing collected information.

(c) The ICJIA shall develop administrative rules to provide for the coordination and collection of information in the Capital Crimes Database.

(d) Agencies required to provide information on capital cases to the ICJIA, as the ICJIA may request, for the Capital Crimes Database shall include, but not be limited to:

(1) Office of the Attorney General.

(2) Illinois Department of Corrections.

(3) Illinois State Police.

(4) All county State's Attorneys.

(5) All county public defenders.

(6) Office of the State's Attorneys Appellate Prosecutor.

(7) Office of the State Appellate Defender.

(e) Agencies requested to provide information on capital cases to the ICJIA for the Capital Crimes Database shall include, but not be limited to:

(1) Administrative Office of Illinois Courts.

(2) All county circuit court clerks.

(f) The ICJIA shall develop procedures and protocols for the submission of information relating to capital and capital eligible cases to the Database in conjunction with the agencies submitting information.

Section 3. The Illinois Police Training Act is amended by changing Section 10.3 as follows:

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(50 ILCS 705/10.3)

Sec. 10.3. Training of police officers to conduct electronic interrogations.

(a) From appropriations made to it for that purpose, the Board shall initiate, administer, and conduct training programs for permanent police officers, part-time police officers, and recruits on the methods and technical aspects of conducting electronic recordings of interrogations.

(b) Subject to appropriation, the Board shall develop technical guidelines for the mandated recording of custodial interrogations in all homicide investigations by law enforcement agencies. These guidelines shall be developed in conjunction with law enforcement agencies and technology accreditation groups to provide guidance for law enforcement agencies in implementing the mandated recording of custodial interrogations in all homicide investigations.

(Source: P.A. 93-206, eff. 7-18-03; 93-517, eff. 8-6-03.)

Section 4. The Criminal Code of 1961 is amended by changing Sections 33A-2 and 33A-3 as follows:
(720 ILCS 5/33A-2) (from Ch. 38, par. 33A-2)

Sec. 33A-2. Armed violence-Elements of the offense.

(a) A person commits armed violence when, while armed with a dangerous weapon, he commits any felony defined by Illinois Law, except first degree murder, attempted first degree murder, intentional homicide of an unborn child, second degree murder, involuntary manslaughter, reckless homicide, predatory criminal sexual assault of a child, ~~aggravated criminal sexual assault, aggravated kidnaping,~~ aggravated battery of a child, home invasion, or any offense that makes the possession or use of a dangerous weapon either an element of the base offense, an aggravated or enhanced version of the offense, or a mandatory sentencing factor that increases the sentencing range ~~armed robbery, or aggravated vehicular hijacking.~~

(b) A person commits armed violence when he or she personally discharges a firearm that is a Category I or Category II weapon while committing any felony defined by Illinois law, except first degree murder, attempted first degree murder, intentional homicide of an unborn child, second degree murder, involuntary manslaughter, reckless homicide, predatory criminal sexual assault of a child, ~~aggravated criminal sexual assault, aggravated kidnaping,~~ aggravated battery of a child, home invasion, or any offense that makes the possession or use of a dangerous weapon either an element of the base offense, an aggravated or enhanced version of the offense, or a mandatory sentencing factor that increases the sentencing range ~~armed robbery, or aggravated vehicular hijacking.~~

(c) A person commits armed violence when he or she personally discharges a firearm that is a Category I or Category II weapon that proximately causes great bodily harm, permanent disability, or permanent disfigurement or death to another person while committing any felony defined by Illinois law, except first degree murder, attempted first degree murder, intentional homicide of an unborn child, second degree murder, involuntary manslaughter, reckless homicide, predatory criminal sexual assault of a child, ~~aggravated criminal sexual assault, aggravated kidnaping,~~ aggravated battery of a child, home invasion, or any offense that makes the possession or use of a dangerous weapon either an element of the base offense, an aggravated or enhanced version of the offense, or a mandatory sentencing factor that increases the sentencing range ~~armed robbery, or aggravated vehicular hijacking.~~

(d) This Section does not apply to violations of the Fish and Aquatic Life Code or the Wildlife Code.
(Source: P.A. 91-404, eff. 1-1-00.)

(720 ILCS 5/33A-3) (from Ch. 38, par. 33A-3)

Sec. 33A-3. Sentence.

(a) Violation of Section 33A-2(a) with a Category I weapon is a Class X felony for which the defendant shall be sentenced to a minimum term of imprisonment of 15 years.

(a-5) Violation of Section 33A-2(a) with a Category II weapon is a Class X felony for which the defendant shall be sentenced to a minimum term of imprisonment of 10 years.

(b) Violation of Section 33A-2(a) with a Category III weapon is a Class 2 felony or the felony classification provided for the same act while unarmed, whichever permits the greater penalty. A second or subsequent violation of Section 33A-2(a) with a Category III weapon is a Class 1 felony or the felony classification provided for the same act while unarmed, whichever permits the greater penalty.

(b-5) Violation of Section 33A-2(b) with a firearm that is a Category I or Category II weapon is a Class X felony for which the defendant shall be sentenced to a minimum term of imprisonment of 20 years.

(b-10) Violation of Section 33A-2(c) with a firearm that is a Category I or Category II weapon is a Class X felony for which the defendant shall be sentenced to a term of imprisonment of not less than 25 years nor more than 40 years.

(c) Unless sentencing under Section 33B-1 is applicable, any person who violates subsection (a) or (b)

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of Section 33A-2 with a firearm, when that person has been convicted in any state or federal court of 3 or more of the following offenses: treason, first degree murder, second degree murder, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, robbery, burglary, arson, kidnaping, aggravated battery resulting in great bodily harm or permanent disability or disfigurement, a violation of the Methamphetamine Control and Community Protection Act, or a violation of Section 401(a) of the Illinois Controlled Substances Act, when the third offense was committed after conviction on the second, the second offense was committed after conviction on the first, and the violation of Section 33A-2 was committed after conviction on the third, shall be sentenced to a term of imprisonment of not less than 25 years nor more than 50 years.

(c-5) Except as otherwise provided in paragraph (b-10) or (c) of this Section, a person who violates Section 33A-2(a) with a firearm that is a Category I weapon or Section 33A-2(b) in any school, in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity, or on the real property comprising any school or public park, and where the offense was related to the activities of an organized gang, shall be sentenced to a term of imprisonment of not less than the term set forth in subsection (a) or (b-5) of this Section, whichever is applicable, and not more than 30 years. For the purposes of this subsection (c-5), "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(d) For armed violence based upon a predicate offense listed in this subsection (d) the court shall enter the sentence for armed violence to run consecutively to the sentence imposed for the predicate offense. The offenses covered by this provision are:

- (i) solicitation of murder,
- (ii) solicitation of murder for hire,
- (iii) heinous battery,
- (iv) aggravated battery of a senior citizen,
- (v) ~~(blank) criminal sexual assault,~~
- (vi) a violation of subsection (g) of Section 5 of the Cannabis Control Act,
- (vii) cannabis trafficking,
- (viii) a violation of subsection (a) of Section 401 of the Illinois Controlled Substances Act,
- (ix) controlled substance trafficking involving a Class X felony amount of controlled substance under Section 401 of the Illinois Controlled Substances Act,
- (x) calculated criminal drug conspiracy,
- (xi) streetgang criminal drug conspiracy, or
- (xii) a violation of the Methamphetamine Control and Community Protection Act.

(Source: P.A. 94-556, eff. 9-11-05.)"

Under the rules, the foregoing **Senate Bill No. 1023**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of the following joint resolution, to-wit:

SENATE JOINT RESOLUTION NO. 22

Concurred in by the House, July 12, 2007.

MARK MAHONEY, Clerk of the House

A message from the House by

Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 866

A bill for AN ACT concerning regulation.

Passed the House, July 13, 2007.

MARK MAHONEY, Clerk of the House

[July 13, 2007]

A message from the House by
Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 1855

A bill for AN ACT concerning employment.

Which amendment is as follows:

Senate Amendment No. 4 to HOUSE BILL NO. 1855

Concurred in by the House, July 13, 2007.

MARK MAHONEY, Clerk of the House

RESOLUTIONS CONSENT CALENDAR

SENATE RESOLUTION 276

Offered by Senator Link and all Senators:

Mourns the death of Patricia Ann Jones of Zion-Waukegan.

SENATE RESOLUTION 277

Offered by Senator Link and all Senators:

Mourns the death of Joseph T. McCann of Gurnee.

SENATE RESOLUTION 278

Offered by Senator Link and all Senators:

Mourns the death of Donald L. Cannon of Gurnee

SENATE RESOLUTION 279

Offered by Senator Link and all Senators:

Mourns the death of the Reverend Paul J. Cull of Gurnee.

SENATE RESOLUTION 280

Offered by Senator Link and all Senators:

Mourns the death of Barbara Jean "Barb" Caccamo of Shorewood.

SENATE RESOLUTION 281

Offered by Senator Link and all Senators:

Mourns the death of Edith J. Merold of Waukegan.

SENATE RESOLUTION 282

Offered by Senator Haine and all Senators:

Mourns the death of Marian L. Klein of Bethalto.

SENATE RESOLUTION 283

Offered by Senator Forby and all Senators:

Mourns the death of H. Dwayne Waller of Thompsonville.

SENATE RESOLUTION 284

Offered by Senator Forby and all Senators:

Mourns the death of Rhonda Jean Jones of Marion.

SENATE RESOLUTION 285

Offered by Senator Harmon and all Senators:

Mourns the death of Clifford E. Dienberg of Oak Park.

SENATE RESOLUTION 286

Offered by Senator Koehler and all Senators:

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Mourns the death of Marjah Nicole Lee Jackson of Peoria.

SENATE RESOLUTION 288

Offered by Senator Link and all Senators:

Mourns the death of LaSondra Carlynn Shaw of North Chicago.

SENATE RESOLUTION 289

Offered by Senator Silverstein and all Senators:

Mourns the death of James P. McTigue of Chicago.

The Chair moved the adoption of the Resolutions Consent Calendar. The motion prevailed, and the resolutions were adopted.

At the hour of 1:25 o'clock p.m., the Chair announced that the Senate stand adjourned until Saturday, July 14, 2007, at 9:00 o'clock a.m.