

HB5894



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB5894

by Rep. Barbara Wheeler

SYNOPSIS AS INTRODUCED:

720 ILCS 5/8-4

from Ch. 38, par. 8-4

Amends the Criminal Code of 2012 concerning attempt. Adds that the sentence for attempt to commit a Class A misdemeanor is the sentence for a Class B misdemeanor, the sentence for attempt to commit a Class B misdemeanor is the sentence for a Class C misdemeanor, and the sentence for attempt to commit a Class C misdemeanor is a Class C misdemeanor.

LRB100 22213 SLF 40784 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

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 Criminal Code of 2012 is amended by changing
5 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 the offense of attempt when, with intent
10 to commit a specific offense, he or she does any act that
11 constitutes a substantial step toward the commission of that
12 offense.

13 (b) Impossibility.

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

17 (c) Sentence.

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

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

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

7 (B) an attempt to commit first degree murder while
8 armed with a firearm is a Class X felony for which 15
9 years shall be added to the term of imprisonment
10 imposed by the court;

11 (C) an attempt to commit first degree murder during
12 which the person personally discharged a firearm is a
13 Class X felony for which 20 years shall be added to the
14 term of imprisonment imposed by the court;

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

22 (E) if the defendant proves by a preponderance of
23 the evidence at sentencing that, at the time of the
24 attempted murder, he or she was acting under a sudden
25 and intense passion resulting from serious provocation
26 by the individual whom the defendant endeavored to

1 kill, or another, and, had the individual the defendant
2 endeavored to kill died, the defendant would have
3 negligently or accidentally caused that death, then
4 the sentence for the attempted murder is the sentence
5 for a Class 1 felony;

6 (2) the sentence for attempt to commit a Class X felony
7 is the sentence for a Class 1 felony;

8 (3) the sentence for attempt to commit a Class 1 felony
9 is the sentence for a Class 2 felony;

10 (4) the sentence for attempt to commit a Class 2 felony
11 is the sentence for a Class 3 felony; ~~and~~

12 (5) the sentence for attempt to commit any felony other
13 than those specified in items (1), (2), (3), and (4) of
14 this subsection (c) is the sentence for a Class A
15 misdemeanor; ~~and~~

16 (6) the sentence for attempt to commit a Class A
17 misdemeanor is the sentence for a Class B misdemeanor;

18 (7) the sentence for attempt to commit a Class B
19 misdemeanor is the sentence for a Class C misdemeanor; and

20 (8) the sentence for attempt to commit a Class C
21 misdemeanor is a Class C misdemeanor.

22 (Source: P.A. 96-710, eff. 1-1-10.)