

1 AN ACT concerning courts.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Code of Criminal Procedure of 1963 is
5 amended by changing Section 110-14 as follows:

6 (725 ILCS 5/110-14) (from Ch. 38, par. 110-14)

7 Sec. 110-14. Credit for Incarceration on Bailable Offense.

8 (a) Any person incarcerated on a bailable offense who does
9 not supply bail and against whom a fine is levied on conviction
10 of the ~~such~~ offense shall be allowed a credit of \$30 ~~\$5~~ for
11 each day so incarcerated upon application of the defendant.
12 However, in no case shall the amount so allowed or credited
13 exceed the amount of the fine.

14 (b) Subsection (a) does not apply to a person incarcerated
15 for sexual assault as defined in paragraph (1) of subsection
16 (a) of Section 5-9-1.7 of the Unified Code of Corrections.

17 (Source: P.A. 93-699, eff. 1-1-05.)

18 Section 10. The Unified Code of Corrections is amended by
19 changing Section 5-8-4 as follows:

20 (730 ILCS 5/5-8-4) (from Ch. 38, par. 1005-8-4)

21 Sec. 5-8-4. Concurrent and consecutive terms of

1 imprisonment.

2 (a) Concurrent terms; multiple or additional sentences.
3 When an Illinois court (i) imposes multiple sentences of
4 imprisonment on a defendant at the same time or (ii) imposes a
5 sentence of imprisonment on a defendant who is already subject
6 to a sentence of imprisonment imposed by an Illinois court, a
7 court of another state, or a federal court, then the sentences
8 shall run concurrently unless otherwise determined by the
9 Illinois court under this Section.

10 (b) Concurrent terms; misdemeanor and felony. A defendant
11 serving a sentence for a misdemeanor who is convicted of a
12 felony and sentenced to imprisonment shall be transferred to
13 the Department of Corrections, and the misdemeanor sentence
14 shall be merged in and run concurrently with the felony
15 sentence.

16 (c) Consecutive terms; permissive. The court may impose
17 consecutive sentences in any of the following circumstances:

18 (1) If, having regard to the nature and circumstances
19 of the offense and the history and character of the
20 defendant, it is the opinion of the court that consecutive
21 sentences are required to protect the public from further
22 criminal conduct by the defendant, the basis for which the
23 court shall set forth in the record.

24 (2) If one of the offenses for which a defendant was
25 convicted was a violation of Section 32-5.2 (aggravated
26 false personation of a peace officer) of the Criminal Code

1 of 1961 (720 ILCS 5/32-5.2) or a violation of subdivision
2 (b) (5) or (b) (6) of Section 17-2 of the Criminal Code of
3 1961 or the Criminal Code of 2012 (720 ILCS 5/17-2) and the
4 offense was committed in attempting or committing a
5 forcible felony.

6 (d) Consecutive terms; mandatory. The court shall impose
7 consecutive sentences in each of the following circumstances:

8 (1) One of the offenses for which the defendant was
9 convicted was first degree murder or a Class X or Class 1
10 felony and the defendant inflicted severe bodily injury.

11 (2) The defendant was convicted of a violation of
12 Section 11-1.20 or 12-13 (criminal sexual assault),
13 11-1.30 or 12-14 (aggravated criminal sexual assault), or
14 11-1.40 or 12-14.1 (predatory criminal sexual assault of a
15 child) of the Criminal Code of 1961 or the Criminal Code of
16 2012 (720 ILCS 5/11-20.1, 5/11-20.1B, 5/11-20.3,
17 5/11-1.20, 5/12-13, 5/11-1.30, 5/12-14, 5/11-1.40, or
18 5/12-14.1).

19 (2.5) The defendant was convicted of a violation of
20 paragraph (1), (2), (3), (4), (5), or (7) of subsection (a)
21 of Section 11-20.1 (child pornography) or of paragraph (1),
22 (2), (3), (4), (5), or (7) of subsection (a) of Section
23 11-20.1B or 11-20.3 (aggravated child pornography) of the
24 Criminal Code of 1961 or the Criminal Code of 2012; or the
25 defendant was convicted of a violation of paragraph (6) of
26 subsection (a) of Section 11-20.1 (child pornography) or of

1 paragraph (6) of subsection (a) of Section 11-20.1B or
2 11-20.3 (aggravated child pornography) of the Criminal
3 Code of 1961 or the Criminal Code of 2012, when the child
4 depicted is under the age of 13.

5 (3) The defendant was convicted of armed violence based
6 upon the predicate offense of any of the following:
7 solicitation of murder, solicitation of murder for hire,
8 heinous battery as described in Section 12-4.1 or
9 subdivision (a)(2) of Section 12-3.05, aggravated battery
10 of a senior citizen as described in Section 12-4.6 or
11 subdivision (a)(4) of Section 12-3.05, criminal sexual
12 assault, a violation of subsection (g) of Section 5 of the
13 Cannabis Control Act (720 ILCS 550/5), cannabis
14 trafficking, a violation of subsection (a) of Section 401
15 of the Illinois Controlled Substances Act (720 ILCS
16 570/401), controlled substance trafficking involving a
17 Class X felony amount of controlled substance under Section
18 401 of the Illinois Controlled Substances Act (720 ILCS
19 570/401), a violation of the Methamphetamine Control and
20 Community Protection Act (720 ILCS 646/), calculated
21 criminal drug conspiracy, or streetgang criminal drug
22 conspiracy.

23 (4) The defendant was convicted of the offense of
24 leaving the scene of a motor vehicle accident involving
25 death or personal injuries under Section 11-401 of the
26 Illinois Vehicle Code (625 ILCS 5/11-401) and either: (A)

1 aggravated driving under the influence of alcohol, other
2 drug or drugs, or intoxicating compound or compounds, or
3 any combination thereof under Section 11-501 of the
4 Illinois Vehicle Code (625 ILCS 5/11-501), (B) reckless
5 homicide under Section 9-3 of the Criminal Code of 1961 or
6 the Criminal Code of 2012 (720 ILCS 5/9-3), or (C) both an
7 offense described in item (A) and an offense described in
8 item (B).

9 (5) The defendant was convicted of a violation of
10 Section 9-3.1 or Section 9-3.4 (concealment of homicidal
11 death) or Section 12-20.5 (dismembering a human body) of
12 the Criminal Code of 1961 or the Criminal Code of 2012 (720
13 ILCS 5/9-3.1 or 5/12-20.5).

14 (5.5) The defendant was convicted of a violation of
15 Section 24-3.7 (use of a stolen firearm in the commission
16 of an offense) of the Criminal Code of 1961 or the Criminal
17 Code of 2012.

18 (6) If the defendant was in the custody of the
19 Department of Corrections at the time of the commission of
20 the offense, the sentence shall be served consecutive to
21 the sentence under which the defendant is held by the
22 Department of Corrections. If, however, the defendant is
23 sentenced to punishment by death, the sentence shall be
24 executed at such time as the court may fix without regard
25 to the sentence under which the defendant may be held by
26 the Department.

1 (7) A sentence under Section 3-6-4 (730 ILCS 5/3-6-4)
2 for escape or attempted escape shall be served consecutive
3 to the terms under which the offender is held by the
4 Department of Corrections.

5 (8) If a person charged with a felony commits a
6 separate felony while on pretrial release or in pretrial
7 detention in a county jail facility or county detention
8 facility, then the sentences imposed upon conviction of
9 these felonies shall be served consecutively regardless of
10 the order in which the judgments of conviction are entered.
11 Mandatory consecutive sentencing under this paragraph (8)
12 does not apply to a violation of a condition of electronic
13 home monitoring under Section 5-8A-4.1 of this Code, except
14 upon the third or subsequent conviction, in which mandatory
15 consecutive sentencing shall be imposed.

16 (8.5) If a person commits a battery against a county
17 correctional officer or sheriff's employee while serving a
18 sentence or in pretrial detention in a county jail
19 facility, then the sentence imposed upon conviction of the
20 battery shall be served consecutively with the sentence
21 imposed upon conviction of the earlier misdemeanor or
22 felony, regardless of the order in which the judgments of
23 conviction are entered.

24 (9) If a person admitted to bail following conviction
25 of a felony commits a separate felony while free on bond or
26 if a person detained in a county jail facility or county

1 detention facility following conviction of a felony
2 commits a separate felony while in detention, then any
3 sentence following conviction of the separate felony shall
4 be consecutive to that of the original sentence for which
5 the defendant was on bond or detained. Mandatory
6 consecutive sentencing under this paragraph (9) does not
7 apply to a violation of a condition of electronic home
8 monitoring under Section 5-8A-4.1 of this Code, except upon
9 the third or subsequent conviction, in which mandatory
10 consecutive sentencing shall be imposed.

11 (10) If a person is found to be in possession of an
12 item of contraband, as defined in Section 31A-0.1 of the
13 Criminal Code of 2012, while serving a sentence in a county
14 jail or while in pre-trial detention in a county jail, the
15 sentence imposed upon conviction for the offense of
16 possessing contraband in a penal institution shall be
17 served consecutively to the sentence imposed for the
18 offense in which the person is serving sentence in the
19 county jail or serving pretrial detention, regardless of
20 the order in which the judgments of conviction are entered.

21 (11) If a person is sentenced for a violation of bail
22 bond under Section 32-10 of the Criminal Code of 1961 or
23 the Criminal Code of 2012, any sentence imposed for that
24 violation shall be served consecutive to the sentence
25 imposed for the charge for which bail had been granted and
26 with respect to which the defendant has been convicted.

1 (e) Consecutive terms; subsequent non-Illinois term. If an
2 Illinois court has imposed a sentence of imprisonment on a
3 defendant and the defendant is subsequently sentenced to a term
4 of imprisonment by a court of another state or a federal court,
5 then the Illinois sentence shall run consecutively to the
6 sentence imposed by the court of the other state or the federal
7 court. That same Illinois court, however, may order that the
8 Illinois sentence run concurrently with the sentence imposed by
9 the court of the other state or the federal court, but only if
10 the defendant applies to that same Illinois court within 30
11 days after the sentence imposed by the court of the other state
12 or the federal court is finalized.

13 (f) Consecutive terms; aggregate maximums and minimums.
14 The aggregate maximum and aggregate minimum of consecutive
15 sentences shall be determined as follows:

16 (1) For sentences imposed under law in effect prior to
17 February 1, 1978, the aggregate maximum of consecutive
18 sentences shall not exceed the maximum term authorized
19 under Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of
20 Chapter V for the 2 most serious felonies involved. The
21 aggregate minimum period of consecutive sentences shall
22 not exceed the highest minimum term authorized under
23 Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of Chapter
24 V for the 2 most serious felonies involved. When sentenced
25 only for misdemeanors, a defendant shall not be
26 consecutively sentenced to more than the maximum for one

1 Class A misdemeanor.

2 (2) For sentences imposed under the law in effect on or
3 after February 1, 1978, the aggregate of consecutive
4 sentences for offenses that were committed as part of a
5 single course of conduct during which there was no
6 substantial change in the nature of the criminal objective
7 shall not exceed the sum of the maximum terms authorized
8 under Article 4.5 of Chapter V for the 2 most serious
9 felonies involved, but no such limitation shall apply for
10 offenses that were not committed as part of a single course
11 of conduct during which there was no substantial change in
12 the nature of the criminal objective. When sentenced only
13 for misdemeanors, a defendant shall not be consecutively
14 sentenced to more than the maximum for one Class A
15 misdemeanor.

16 (g) Consecutive terms; manner served. In determining the
17 manner in which consecutive sentences of imprisonment, one or
18 more of which is for a felony, will be served, the Department
19 of Corrections shall treat the defendant as though he or she
20 had been committed for a single term subject to each of the
21 following:

22 (1) The maximum period of a term of imprisonment shall
23 consist of the aggregate of the maximums of the imposed
24 indeterminate terms, if any, plus the aggregate of the
25 imposed determinate sentences for felonies, plus the
26 aggregate of the imposed determinate sentences for

1 misdemeanors, subject to subsection (f) of this Section.

2 (2) The parole or mandatory supervised release term
3 shall be as provided in paragraph (e) of Section 5-4.5-50
4 (730 ILCS 5/5-4.5-50) for the most serious of the offenses
5 involved.

6 (3) The minimum period of imprisonment shall be the
7 aggregate of the minimum and determinate periods of
8 imprisonment imposed by the court, subject to subsection
9 (f) of this Section.

10 (4) The defendant shall be awarded credit against the
11 aggregate maximum term and the aggregate minimum term of
12 imprisonment for all time served in an institution since
13 the commission of the offense or offenses and as a
14 consequence thereof at the rate specified in Section 3-6-3
15 (730 ILCS 5/3-6-3).

16 (Source: P.A. 97-475, eff. 8-22-11; 97-1108, eff. 1-1-13;
17 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-437, eff.
18 1-1-14.)