



Sen. Michael E. Hastings

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LRB100 11420 SLF 26670 a

1 AMENDMENT TO SENATE BILL 2021

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2021, AS AMENDED,  
3 by replacing everything after the enacting clause with the  
4 following:

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

7 (725 ILCS 5/110-14) (from Ch. 38, par. 110-14)

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

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

15 (b) Subsection (a) does not apply to a person incarcerated  
16 for sexual assault as defined in paragraph (1) of subsection

1 (a) of Section 5-9-1.7 of the Unified Code of Corrections.

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

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

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

6 Sec. 5-8-4. Concurrent and consecutive terms of  
7 imprisonment.

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

16 (b) Concurrent terms; misdemeanor and felony. A defendant  
17 serving a sentence for a misdemeanor who is convicted of a  
18 felony and sentenced to imprisonment shall be transferred to  
19 the Department of Corrections, and the misdemeanor sentence  
20 shall be merged in and run concurrently with the felony  
21 sentence.

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

24 (1) If, having regard to the nature and circumstances

1 of the offense and the history and character of the  
2 defendant, it is the opinion of the court that consecutive  
3 sentences are required to protect the public from further  
4 criminal conduct by the defendant, the basis for which the  
5 court shall set forth in the record.

6 (2) If one of the offenses for which a defendant was  
7 convicted was a violation of Section 32-5.2 (aggravated  
8 false personation of a peace officer) of the Criminal Code  
9 of 1961 (720 ILCS 5/32-5.2) or a violation of subdivision  
10 (b) (5) or (b) (6) of Section 17-2 of the Criminal Code of  
11 1961 or the Criminal Code of 2012 (720 ILCS 5/17-2) and the  
12 offense was committed in attempting or committing a  
13 forcible felony.

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

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

19 (2) The defendant was convicted of a violation of  
20 Section 11-1.20 or 12-13 (criminal sexual assault),  
21 11-1.30 or 12-14 (aggravated criminal sexual assault), or  
22 11-1.40 or 12-14.1 (predatory criminal sexual assault of a  
23 child) of the Criminal Code of 1961 or the Criminal Code of  
24 2012 (720 ILCS 5/11-20.1, 5/11-20.1B, 5/11-20.3,  
25 5/11-1.20, 5/12-13, 5/11-1.30, 5/12-14, 5/11-1.40, or  
26 5/12-14.1).

1           (2.5) The defendant was convicted of a violation of  
2 paragraph (1), (2), (3), (4), (5), or (7) of subsection (a)  
3 of Section 11-20.1 (child pornography) or of paragraph (1),  
4 (2), (3), (4), (5), or (7) of subsection (a) of Section  
5 11-20.1B or 11-20.3 (aggravated child pornography) of the  
6 Criminal Code of 1961 or the Criminal Code of 2012; or the  
7 defendant was convicted of a violation of paragraph (6) of  
8 subsection (a) of Section 11-20.1 (child pornography) or of  
9 paragraph (6) of subsection (a) of Section 11-20.1B or  
10 11-20.3 (aggravated child pornography) of the Criminal  
11 Code of 1961 or the Criminal Code of 2012, when the child  
12 depicted is under the age of 13.

13           (3) The defendant was convicted of armed violence based  
14 upon the predicate offense of any of the following:  
15 solicitation of murder, solicitation of murder for hire,  
16 heinous battery as described in Section 12-4.1 or  
17 subdivision (a)(2) of Section 12-3.05, aggravated battery  
18 of a senior citizen as described in Section 12-4.6 or  
19 subdivision (a)(4) of Section 12-3.05, criminal sexual  
20 assault, a violation of subsection (g) of Section 5 of the  
21 Cannabis Control Act (720 ILCS 550/5), cannabis  
22 trafficking, a violation of subsection (a) of Section 401  
23 of the Illinois Controlled Substances Act (720 ILCS  
24 570/401), controlled substance trafficking involving a  
25 Class X felony amount of controlled substance under Section  
26 401 of the Illinois Controlled Substances Act (720 ILCS

1 570/401), a violation of the Methamphetamine Control and  
2 Community Protection Act (720 ILCS 646/), calculated  
3 criminal drug conspiracy, or streetgang criminal drug  
4 conspiracy.

5 (4) The defendant was convicted of the offense of  
6 leaving the scene of a motor vehicle accident involving  
7 death or personal injuries under Section 11-401 of the  
8 Illinois Vehicle Code (625 ILCS 5/11-401) and either: (A)  
9 aggravated driving under the influence of alcohol, other  
10 drug or drugs, or intoxicating compound or compounds, or  
11 any combination thereof under Section 11-501 of the  
12 Illinois Vehicle Code (625 ILCS 5/11-501), (B) reckless  
13 homicide under Section 9-3 of the Criminal Code of 1961 or  
14 the Criminal Code of 2012 (720 ILCS 5/9-3), or (C) both an  
15 offense described in item (A) and an offense described in  
16 item (B).

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

22 (5.5) The defendant was convicted of a violation of  
23 Section 24-3.7 (use of a stolen firearm in the commission  
24 of an offense) of the Criminal Code of 1961 or the Criminal  
25 Code of 2012.

26 (6) If the defendant was in the custody of the

1 Department of Corrections at the time of the commission of  
2 the offense, the sentence shall be served consecutive to  
3 the sentence under which the defendant is held by the  
4 Department of Corrections. If, however, the defendant is  
5 sentenced to punishment by death, the sentence shall be  
6 executed at such time as the court may fix without regard  
7 to the sentence under which the defendant may be held by  
8 the Department.

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

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

24 (8.5) If a person commits a battery against a county  
25 correctional officer or sheriff's employee while serving a  
26 sentence or in pretrial detention in a county jail

1 facility, then the sentence imposed upon conviction of the  
2 battery shall be served consecutively with the sentence  
3 imposed upon conviction of the earlier misdemeanor or  
4 felony, regardless of the order in which the judgments of  
5 conviction are entered.

6 (9) If a person admitted to bail following conviction  
7 of a felony commits a separate felony while free on bond or  
8 if a person detained in a county jail facility or county  
9 detention facility following conviction of a felony  
10 commits a separate felony while in detention, then any  
11 sentence following conviction of the separate felony shall  
12 be consecutive to that of the original sentence for which  
13 the defendant was on bond or detained. Mandatory  
14 consecutive sentencing under this paragraph (9) does not  
15 apply to a violation of a condition of electronic home  
16 monitoring under Section 5-8A-4.1 of this Code, except upon  
17 the third or subsequent conviction, in which mandatory  
18 consecutive sentencing shall be imposed.

19 (10) If a person is found to be in possession of an  
20 item of contraband, as defined in Section 31A-0.1 of the  
21 Criminal Code of 2012, while serving a sentence in a county  
22 jail or while in pre-trial detention in a county jail, the  
23 sentence imposed upon conviction for the offense of  
24 possessing contraband in a penal institution shall be  
25 served consecutively to the sentence imposed for the  
26 offense in which the person is serving sentence in the

1 county jail or serving pretrial detention, regardless of  
2 the order in which the judgments of conviction are entered.

3 (11) If a person is sentenced for a violation of bail  
4 bond under Section 32-10 of the Criminal Code of 1961 or  
5 the Criminal Code of 2012, any sentence imposed for that  
6 violation shall be served consecutive to the sentence  
7 imposed for the charge for which bail had been granted and  
8 with respect to which the defendant has been convicted.

9 (e) Consecutive terms; subsequent non-Illinois term. If an  
10 Illinois court has imposed a sentence of imprisonment on a  
11 defendant and the defendant is subsequently sentenced to a term  
12 of imprisonment by a court of another state or a federal court,  
13 then the Illinois sentence shall run consecutively to the  
14 sentence imposed by the court of the other state or the federal  
15 court. That same Illinois court, however, may order that the  
16 Illinois sentence run concurrently with the sentence imposed by  
17 the court of the other state or the federal court, but only if  
18 the defendant applies to that same Illinois court within 30  
19 days after the sentence imposed by the court of the other state  
20 or the federal court is finalized.

21 (f) Consecutive terms; aggregate maximums and minimums.  
22 The aggregate maximum and aggregate minimum of consecutive  
23 sentences shall be determined as follows:

24 (1) For sentences imposed under law in effect prior to  
25 February 1, 1978, the aggregate maximum of consecutive  
26 sentences shall not exceed the maximum term authorized



1 under Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of  
2 Chapter V for the 2 most serious felonies involved. The  
3 aggregate minimum period of consecutive sentences shall  
4 not exceed the highest minimum term authorized under  
5 Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of Chapter  
6 V for the 2 most serious felonies involved. When sentenced  
7 only for misdemeanors, a defendant shall not be  
8 consecutively sentenced to more than the maximum for one  
9 Class A misdemeanor.

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

24 (g) Consecutive terms; manner served. In determining the  
25 manner in which consecutive sentences of imprisonment, one or  
26 more of which is for a felony, will be served, the Department

1 of Corrections shall treat the defendant as though he or she  
2 had been committed for a single term subject to each of the  
3 following:

4 (1) The maximum period of a term of imprisonment shall  
5 consist of the aggregate of the maximums of the imposed  
6 indeterminate terms, if any, plus the aggregate of the  
7 imposed determinate sentences for felonies, plus the  
8 aggregate of the imposed determinate sentences for  
9 misdemeanors, subject to subsection (f) of this Section.

10 (2) The parole or mandatory supervised release term  
11 shall be as provided in paragraph (e) of Section 5-4.5-50  
12 (730 ILCS 5/5-4.5-50) for the most serious of the offenses  
13 involved.

14 (3) The minimum period of imprisonment shall be the  
15 aggregate of the minimum and determinate periods of  
16 imprisonment imposed by the court, subject to subsection  
17 (f) of this Section.

18 (4) The defendant shall be awarded credit against the  
19 aggregate maximum term and the aggregate minimum term of  
20 imprisonment for all time served in an institution since  
21 the commission of the offense or offenses and as a  
22 consequence thereof at the rate specified in Section 3-6-3  
23 (730 ILCS 5/3-6-3).

24 (Source: P.A. 97-475, eff. 8-22-11; 97-1108, eff. 1-1-13;  
25 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-437, eff.  
26 1-1-14.)".