



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4376

Introduced 1/29/2020, by Rep. La Shawn K. Ford

SYNOPSIS AS INTRODUCED:

720 ILCS 5/8-4	from Ch. 38, par. 8-4
720 ILCS 5/9-1.2	from Ch. 38, par. 9-1.2
720 ILCS 5/10-2	from Ch. 38, par. 10-2
720 ILCS 5/11-1.40	was 720 ILCS 5/12-14.1
720 ILCS 5/12-3.05	was 720 ILCS 5/12-4
720 ILCS 5/18-2	from Ch. 38, par. 18-2
720 ILCS 5/18-4	
720 ILCS 5/19-6	was 720 ILCS 5/12-11
720 ILCS 5/33A-3	from Ch. 38, par. 33A-3
730 ILCS 5/5-8-1	from Ch. 38, par. 1005-8-1

Amends the Criminal Code of 2012. Provides that various added sentences of imprisonment for committing offenses while armed with a firearm or by personally discharging a firearm are discretionary and constitute the maximum sentences that may be imposed by the court.

LRB101 15839 RLC 65196 b

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 Sections 8-4, 9-1.2, 10-2, 11-1.40, 12-3.05, 18-2, 18-4, 19-6,
6 and 33A-3 as follows:

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

8 Sec. 8-4. Attempt.

9 (a) Elements of the offense.

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

14 (b) Impossibility.

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

18 (c) Sentence.

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

23 (1) the sentence for attempt to commit first degree

1 murder is the sentence for a Class X felony, except that

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

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

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

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

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

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

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

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

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

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

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

18 (720 ILCS 5/9-1.2) (from Ch. 38, par. 9-1.2)

19 Sec. 9-1.2. Intentional homicide of an unborn child.

20 (a) A person commits the offense of intentional homicide of
21 an unborn child if, in performing acts which cause the death of
22 an unborn child, he without lawful justification:

23 (1) either intended to cause the death of or do great
24 bodily harm to the pregnant individual or unborn child or
25 knew that such acts would cause death or great bodily harm

1 to the pregnant individual or unborn child; or

2 (2) knew that his acts created a strong probability of
3 death or great bodily harm to the pregnant individual or
4 unborn child; and

5 (3) knew that the individual was pregnant.

6 (b) For purposes of this Section, (1) "unborn child" shall
7 mean any individual of the human species from the implantation
8 of an embryo until birth, and (2) "person" shall not include
9 the pregnant woman whose unborn child is killed.

10 (c) This Section shall not apply to acts which cause the
11 death of an unborn child if those acts were committed during
12 any abortion, as defined in Section 1-10 of the Reproductive
13 Health Act, to which the pregnant individual has consented.
14 This Section shall not apply to acts which were committed
15 pursuant to usual and customary standards of medical practice
16 during diagnostic testing or therapeutic treatment.

17 (d) Penalty. The sentence for intentional homicide of an
18 unborn child shall be the same as for first degree murder,
19 except that:

20 (1) the death penalty may not be imposed;

21 (2) if the person committed the offense while armed
22 with a firearm, up to 15 years may ~~shall~~ be added to the
23 term of imprisonment imposed by the court;

24 (3) if, during the commission of the offense, the
25 person personally discharged a firearm, up to 20 years may
26 ~~shall~~ be added to the term of imprisonment imposed by the

1 court;

2 (4) if, during the commission of the offense, the
3 person personally discharged a firearm that proximately
4 caused great bodily harm, permanent disability, permanent
5 disfigurement, or death to another person, ~~25 years or~~ up
6 to a term of natural life may ~~shall~~ be added to the term of
7 imprisonment imposed by the court.

8 (e) The provisions of this Act shall not be construed to
9 prohibit the prosecution of any person under any other
10 provision of law.

11 (Source: P.A. 101-13, eff. 6-12-19.)

12 (720 ILCS 5/10-2) (from Ch. 38, par. 10-2)

13 Sec. 10-2. Aggravated kidnaping.

14 (a) A person commits the offense of aggravated kidnaping
15 when he or she commits kidnaping and:

16 (1) kidnaps with the intent to obtain ransom from the
17 person kidnaped or from any other person;

18 (2) takes as his or her victim a child under the age of
19 13 years, or a person with a severe or profound
20 intellectual disability;

21 (3) inflicts great bodily harm, other than by the
22 discharge of a firearm, or commits another felony upon his
23 or her victim;

24 (4) wears a hood, robe, or mask or conceals his or her
25 identity;

1 (5) commits the offense of kidnaping while armed with a
2 dangerous weapon, other than a firearm, as defined in
3 Section 33A-1 of this Code;

4 (6) commits the offense of kidnaping while armed with a
5 firearm;

6 (7) during the commission of the offense of kidnaping,
7 personally discharges a firearm; or

8 (8) during the commission of the offense of kidnaping,
9 personally discharges a firearm that proximately causes
10 great bodily harm, permanent disability, permanent
11 disfigurement, or death to another person.

12 As used in this Section, "ransom" includes money, benefit,
13 or other valuable thing or concession.

14 (b) Sentence. Aggravated kidnaping in violation of
15 paragraph (1), (2), (3), (4), or (5) of subsection (a) is a
16 Class X felony. A violation of subsection (a)(6) is a Class X
17 felony for which up to 15 years may ~~shall~~ be added to the term
18 of imprisonment imposed by the court. A violation of subsection
19 (a)(7) is a Class X felony for which up to 20 years may ~~shall~~ be
20 added to the term of imprisonment imposed by the court. A
21 violation of subsection (a)(8) is a Class X felony for which ~~25~~
22 ~~years or~~ up to a term of natural life may ~~shall~~ be added to the
23 term of imprisonment imposed by the court. An offender under
24 the age of 18 years at the time of the commission of aggravated
25 kidnaping in violation of paragraphs (1) through (8) of
26 subsection (a) shall be sentenced under Section 5-4.5-105 of

1 the Unified Code of Corrections.

2 A person who has attained the age of 18 years at the time
3 of the commission of the offense and who is convicted of a
4 second or subsequent offense of aggravated kidnaping shall be
5 sentenced to a term of natural life imprisonment; except that a
6 sentence of natural life imprisonment shall not be imposed
7 under this Section unless the second or subsequent offense was
8 committed after conviction on the first offense. An offender
9 under the age of 18 years at the time of the commission of the
10 second or subsequent offense shall be sentenced under Section
11 5-4.5-105 of the Unified Code of Corrections.

12 (Source: P.A. 99-69, eff. 1-1-16; 99-143, eff. 7-27-15; 99-642,
13 eff. 7-28-16.)

14 (720 ILCS 5/11-1.40) (was 720 ILCS 5/12-14.1)

15 Sec. 11-1.40. Predatory criminal sexual assault of a child.

16 (a) A person commits predatory criminal sexual assault of a
17 child if that person is 17 years of age or older, and commits
18 an act of contact, however slight, between the sex organ or
19 anus of one person and the part of the body of another for the
20 purpose of sexual gratification or arousal of the victim or the
21 accused, or an act of sexual penetration, and:

22 (1) the victim is under 13 years of age; or

23 (2) the victim is under 13 years of age and that
24 person:

25 (A) is armed with a firearm;

1 (B) personally discharges a firearm during the
2 commission of the offense;

3 (C) causes great bodily harm to the victim that:

4 (i) results in permanent disability; or

5 (ii) is life threatening; or

6 (D) delivers (by injection, inhalation, ingestion,
7 transfer of possession, or any other means) any
8 controlled substance to the victim without the
9 victim's consent or by threat or deception, for other
10 than medical purposes.

11 (b) Sentence.

12 (1) A person convicted of a violation of subsection
13 (a) (1) commits a Class X felony, for which the person shall
14 be sentenced to a term of imprisonment of not less than 6
15 years and not more than 60 years. A person convicted of a
16 violation of subsection (a) (2) (A) commits a Class X felony
17 for which up to 15 years may ~~shall~~ be added to the term of
18 imprisonment imposed by the court. A person convicted of a
19 violation of subsection (a) (2) (B) commits a Class X felony
20 for which up to 20 years may ~~shall~~ be added to the term of
21 imprisonment imposed by the court. A person who has
22 attained the age of 18 years at the time of the commission
23 of the offense and who is convicted of a violation of
24 subsection (a) (2) (C) commits a Class X felony for which the
25 person shall be sentenced to a term of imprisonment of not
26 less than 50 years or up to a term of natural life

1 imprisonment. An offender under the age of 18 years at the
2 time of the commission of predatory criminal sexual assault
3 of a child in violation of subsections (a)(1), (a)(2)(A),
4 (a)(2)(B), and (a)(2)(C) shall be sentenced under Section
5 5-4.5-105 of the Unified Code of Corrections.

6 (1.1) A person convicted of a violation of subsection
7 (a)(2)(D) commits a Class X felony for which the person
8 shall be sentenced to a term of imprisonment of not less
9 than 50 years and not more than 60 years. An offender under
10 the age of 18 years at the time of the commission of
11 predatory criminal sexual assault of a child in violation
12 of subsection (a)(2)(D) shall be sentenced under Section
13 5-4.5-105 of the Unified Code of Corrections.

14 (1.2) A person who has attained the age of 18 years at
15 the time of the commission of the offense and convicted of
16 predatory criminal sexual assault of a child committed
17 against 2 or more persons regardless of whether the
18 offenses occurred as the result of the same act or of
19 several related or unrelated acts shall be sentenced to a
20 term of natural life imprisonment and an offender under the
21 age of 18 years at the time of the commission of the
22 offense shall be sentenced under Section 5-4.5-105 of the
23 Unified Code of Corrections.

24 (2) A person who has attained the age of 18 years at
25 the time of the commission of the offense and who is
26 convicted of a second or subsequent offense of predatory

1 criminal sexual assault of a child, or who is convicted of
2 the offense of predatory criminal sexual assault of a child
3 after having previously been convicted of the offense of
4 criminal sexual assault or the offense of aggravated
5 criminal sexual assault, or who is convicted of the offense
6 of predatory criminal sexual assault of a child after
7 having previously been convicted under the laws of this
8 State or any other state of an offense that is
9 substantially equivalent to the offense of predatory
10 criminal sexual assault of a child, the offense of
11 aggravated criminal sexual assault or the offense of
12 criminal sexual assault, shall be sentenced to a term of
13 natural life imprisonment. The commission of the second or
14 subsequent offense is required to have been after the
15 initial conviction for this paragraph (2) to apply. An
16 offender under the age of 18 years at the time of the
17 commission of the offense covered by this paragraph (2)
18 shall be sentenced under Section 5-4.5-105 of the Unified
19 Code of Corrections.

20 (Source: P.A. 98-370, eff. 1-1-14; 98-756, eff. 7-16-14;
21 98-903, eff. 8-15-14; 99-69, eff. 1-1-16.)

22 (720 ILCS 5/12-3.05) (was 720 ILCS 5/12-4)

23 Sec. 12-3.05. Aggravated battery.

24 (a) Offense based on injury. A person commits aggravated
25 battery when, in committing a battery, other than by the

1 discharge of a firearm, he or she knowingly does any of the
2 following:

3 (1) Causes great bodily harm or permanent disability or
4 disfigurement.

5 (2) Causes severe and permanent disability, great
6 bodily harm, or disfigurement by means of a caustic or
7 flammable substance, a poisonous gas, a deadly biological
8 or chemical contaminant or agent, a radioactive substance,
9 or a bomb or explosive compound.

10 (3) Causes great bodily harm or permanent disability or
11 disfigurement to an individual whom the person knows to be
12 a peace officer, community policing volunteer, fireman,
13 private security officer, correctional institution
14 employee, or Department of Human Services employee
15 supervising or controlling sexually dangerous persons or
16 sexually violent persons:

17 (i) performing his or her official duties;

18 (ii) battered to prevent performance of his or her
19 official duties; or

20 (iii) battered in retaliation for performing his
21 or her official duties.

22 (4) Causes great bodily harm or permanent disability or
23 disfigurement to an individual 60 years of age or older.

24 (5) Strangles another individual.

25 (b) Offense based on injury to a child or person with an
26 intellectual disability. A person who is at least 18 years of

1 age commits aggravated battery when, in committing a battery,
2 he or she knowingly and without legal justification by any
3 means:

4 (1) causes great bodily harm or permanent disability or
5 disfigurement to any child under the age of 13 years, or to
6 any person with a severe or profound intellectual
7 disability; or

8 (2) causes bodily harm or disability or disfigurement
9 to any child under the age of 13 years or to any person
10 with a severe or profound intellectual disability.

11 (c) Offense based on location of conduct. A person commits
12 aggravated battery when, in committing a battery, other than by
13 the discharge of a firearm, he or she is or the person battered
14 is on or about a public way, public property, a public place of
15 accommodation or amusement, a sports venue, or a domestic
16 violence shelter, or in a church, synagogue, mosque, or other
17 building, structure, or place used for religious worship.

18 (d) Offense based on status of victim. A person commits
19 aggravated battery when, in committing a battery, other than by
20 discharge of a firearm, he or she knows the individual battered
21 to be any of the following:

22 (1) A person 60 years of age or older.

23 (2) A person who is pregnant or has a physical
24 disability.

25 (3) A teacher or school employee upon school grounds or
26 grounds adjacent to a school or in any part of a building

1 used for school purposes.

2 (4) A peace officer, community policing volunteer,
3 fireman, private security officer, correctional
4 institution employee, or Department of Human Services
5 employee supervising or controlling sexually dangerous
6 persons or sexually violent persons:

7 (i) performing his or her official duties;

8 (ii) battered to prevent performance of his or her
9 official duties; or

10 (iii) battered in retaliation for performing his
11 or her official duties.

12 (5) A judge, emergency management worker, emergency
13 medical services personnel, or utility worker:

14 (i) performing his or her official duties;

15 (ii) battered to prevent performance of his or her
16 official duties; or

17 (iii) battered in retaliation for performing his
18 or her official duties.

19 (6) An officer or employee of the State of Illinois, a
20 unit of local government, or a school district, while
21 performing his or her official duties.

22 (7) A transit employee performing his or her official
23 duties, or a transit passenger.

24 (8) A taxi driver on duty.

25 (9) A merchant who detains the person for an alleged
26 commission of retail theft under Section 16-26 of this Code

1 and the person without legal justification by any means
2 causes bodily harm to the merchant.

3 (10) A person authorized to serve process under Section
4 2-202 of the Code of Civil Procedure or a special process
5 server appointed by the circuit court while that individual
6 is in the performance of his or her duties as a process
7 server.

8 (11) A nurse while in the performance of his or her
9 duties as a nurse.

10 (e) Offense based on use of a firearm. A person commits
11 aggravated battery when, in committing a battery, he or she
12 knowingly does any of the following:

13 (1) Discharges a firearm, other than a machine gun or a
14 firearm equipped with a silencer, and causes any injury to
15 another person.

16 (2) Discharges a firearm, other than a machine gun or a
17 firearm equipped with a silencer, and causes any injury to
18 a person he or she knows to be a peace officer, community
19 policing volunteer, person summoned by a police officer,
20 fireman, private security officer, correctional
21 institution employee, or emergency management worker:

22 (i) performing his or her official duties;

23 (ii) battered to prevent performance of his or her
24 official duties; or

25 (iii) battered in retaliation for performing his
26 or her official duties.

1 (3) Discharges a firearm, other than a machine gun or a
2 firearm equipped with a silencer, and causes any injury to
3 a person he or she knows to be emergency medical services
4 personnel:

5 (i) performing his or her official duties;

6 (ii) battered to prevent performance of his or her
7 official duties; or

8 (iii) battered in retaliation for performing his
9 or her official duties.

10 (4) Discharges a firearm and causes any injury to a
11 person he or she knows to be a teacher, a student in a
12 school, or a school employee, and the teacher, student, or
13 employee is upon school grounds or grounds adjacent to a
14 school or in any part of a building used for school
15 purposes.

16 (5) Discharges a machine gun or a firearm equipped with
17 a silencer, and causes any injury to another person.

18 (6) Discharges a machine gun or a firearm equipped with
19 a silencer, and causes any injury to a person he or she
20 knows to be a peace officer, community policing volunteer,
21 person summoned by a police officer, fireman, private
22 security officer, correctional institution employee or
23 emergency management worker:

24 (i) performing his or her official duties;

25 (ii) battered to prevent performance of his or her
26 official duties; or

1 (iii) battered in retaliation for performing his
2 or her official duties.

3 (7) Discharges a machine gun or a firearm equipped with
4 a silencer, and causes any injury to a person he or she
5 knows to be emergency medical services personnel:

6 (i) performing his or her official duties;

7 (ii) battered to prevent performance of his or her
8 official duties; or

9 (iii) battered in retaliation for performing his
10 or her official duties.

11 (8) Discharges a machine gun or a firearm equipped with
12 a silencer, and causes any injury to a person he or she
13 knows to be a teacher, or a student in a school, or a
14 school employee, and the teacher, student, or employee is
15 upon school grounds or grounds adjacent to a school or in
16 any part of a building used for school purposes.

17 (f) Offense based on use of a weapon or device. A person
18 commits aggravated battery when, in committing a battery, he or
19 she does any of the following:

20 (1) Uses a deadly weapon other than by discharge of a
21 firearm, or uses an air rifle as defined in Section
22 24.8-0.1 of this Code.

23 (2) Wears a hood, robe, or mask to conceal his or her
24 identity.

25 (3) Knowingly and without lawful justification shines
26 or flashes a laser gunsight or other laser device attached

1 to a firearm, or used in concert with a firearm, so that
2 the laser beam strikes upon or against the person of
3 another.

4 (4) Knowingly video or audio records the offense with
5 the intent to disseminate the recording.

6 (g) Offense based on certain conduct. A person commits
7 aggravated battery when, other than by discharge of a firearm,
8 he or she does any of the following:

9 (1) Violates Section 401 of the Illinois Controlled
10 Substances Act by unlawfully delivering a controlled
11 substance to another and any user experiences great bodily
12 harm or permanent disability as a result of the injection,
13 inhalation, or ingestion of any amount of the controlled
14 substance.

15 (2) Knowingly administers to an individual or causes
16 him or her to take, without his or her consent or by threat
17 or deception, and for other than medical purposes, any
18 intoxicating, poisonous, stupefying, narcotic, anesthetic,
19 or controlled substance, or gives to another person any
20 food containing any substance or object intended to cause
21 physical injury if eaten.

22 (3) Knowingly causes or attempts to cause a
23 correctional institution employee or Department of Human
24 Services employee to come into contact with blood, seminal
25 fluid, urine, or feces by throwing, tossing, or expelling
26 the fluid or material, and the person is an inmate of a

1 penal institution or is a sexually dangerous person or
2 sexually violent person in the custody of the Department of
3 Human Services.

4 (h) Sentence. Unless otherwise provided, aggravated
5 battery is a Class 3 felony.

6 Aggravated battery as defined in subdivision (a)(4),
7 (d)(4), or (g)(3) is a Class 2 felony.

8 Aggravated battery as defined in subdivision (a)(3) or
9 (g)(1) is a Class 1 felony.

10 Aggravated battery as defined in subdivision (a)(1) is a
11 Class 1 felony when the aggravated battery was intentional and
12 involved the infliction of torture, as defined in paragraph
13 (14) of subsection (b) of Section 9-1 of this Code, as the
14 infliction of or subjection to extreme physical pain, motivated
15 by an intent to increase or prolong the pain, suffering, or
16 agony of the victim.

17 Aggravated battery as defined in subdivision (a)(1) is a
18 Class 2 felony when the person causes great bodily harm or
19 permanent disability to an individual whom the person knows to
20 be a member of a congregation engaged in prayer or other
21 religious activities at a church, synagogue, mosque, or other
22 building, structure, or place used for religious worship.

23 Aggravated battery under subdivision (a)(5) is a Class 1
24 felony if:

25 (A) the person used or attempted to use a dangerous
26 instrument while committing the offense; ~~or~~

1 (B) the person caused great bodily harm or permanent
2 disability or disfigurement to the other person while
3 committing the offense; or

4 (C) the person has been previously convicted of a
5 violation of subdivision (a)(5) under the laws of this
6 State or laws similar to subdivision (a)(5) of any other
7 state.

8 Aggravated battery as defined in subdivision (e)(1) is a
9 Class X felony.

10 Aggravated battery as defined in subdivision (a)(2) is a
11 Class X felony for which a person shall be sentenced to a term
12 of imprisonment of a minimum of 6 years and a maximum of 45
13 years.

14 Aggravated battery as defined in subdivision (e)(5) is a
15 Class X felony for which a person shall be sentenced to a term
16 of imprisonment of a minimum of 12 years and a maximum of 45
17 years.

18 Aggravated battery as defined in subdivision (e)(2),
19 (e)(3), or (e)(4) is a Class X felony for which a person shall
20 be sentenced to a term of imprisonment of a minimum of 15 years
21 and a maximum of 60 years.

22 Aggravated battery as defined in subdivision (e)(6),
23 (e)(7), or (e)(8) is a Class X felony for which a person shall
24 be sentenced to a term of imprisonment of a minimum of 20 years
25 and a maximum of 60 years.

26 Aggravated battery as defined in subdivision (b)(1) is a

1 Class X felony, except that:

2 (1) if the person committed the offense while armed
3 with a firearm, up to 15 years may ~~shall~~ be added to the
4 term of imprisonment imposed by the court;

5 (2) if, during the commission of the offense, the
6 person personally discharged a firearm, up to 20 years may
7 ~~shall~~ be added to the term of imprisonment imposed by the
8 court;

9 (3) if, during the commission of the offense, the
10 person personally discharged a firearm that proximately
11 caused great bodily harm, permanent disability, permanent
12 disfigurement, or death to another person, ~~25 years or~~ up
13 to a term of natural life may ~~shall~~ be added to the term of
14 imprisonment imposed by the court.

15 (i) Definitions. In this Section:

16 "Building or other structure used to provide shelter" has
17 the meaning ascribed to "shelter" in Section 1 of the Domestic
18 Violence Shelters Act.

19 "Domestic violence" has the meaning ascribed to it in
20 Section 103 of the Illinois Domestic Violence Act of 1986.

21 "Domestic violence shelter" means any building or other
22 structure used to provide shelter or other services to victims
23 or to the dependent children of victims of domestic violence
24 pursuant to the Illinois Domestic Violence Act of 1986 or the
25 Domestic Violence Shelters Act, or any place within 500 feet of
26 such a building or other structure in the case of a person who

1 is going to or from such a building or other structure.

2 "Firearm" has the meaning provided under Section 1.1 of the
3 Firearm Owners Identification Card Act, and does not include an
4 air rifle as defined by Section 24.8-0.1 of this Code.

5 "Machine gun" has the meaning ascribed to it in Section
6 24-1 of this Code.

7 "Merchant" has the meaning ascribed to it in Section 16-0.1
8 of this Code.

9 "Strangle" means intentionally impeding the normal
10 breathing or circulation of the blood of an individual by
11 applying pressure on the throat or neck of that individual or
12 by blocking the nose or mouth of that individual.

13 (Source: P.A. 101-223, eff. 1-1-20; revised 9-24-19.)

14 (720 ILCS 5/18-2) (from Ch. 38, par. 18-2)

15 Sec. 18-2. Armed robbery.

16 (a) A person commits armed robbery when he or she violates
17 Section 18-1; and

18 (1) he or she carries on or about his or her person or
19 is otherwise armed with a dangerous weapon other than a
20 firearm; or

21 (2) he or she carries on or about his or her person or
22 is otherwise armed with a firearm; or

23 (3) he or she, during the commission of the offense,
24 personally discharges a firearm; or

25 (4) he or she, during the commission of the offense,

1 personally discharges a firearm that proximately causes
2 great bodily harm, permanent disability, permanent
3 disfigurement, or death to another person.

4 (b) Sentence.

5 Armed robbery in violation of subsection (a) (1) is a Class
6 X felony. A violation of subsection (a) (2) is a Class X felony
7 for which up to 15 years may ~~shall~~ be added to the term of
8 imprisonment imposed by the court. A violation of subsection
9 (a) (3) is a Class X felony for which 20 years shall be added to
10 the term of imprisonment imposed by the court. A violation of
11 subsection (a) (4) is a Class X felony for which ~~25 years or~~ up
12 to a term of natural life may ~~shall~~ be added to the term of
13 imprisonment imposed by the court.

14 (Source: P.A. 91-404, eff. 1-1-00.)

15 (720 ILCS 5/18-4)

16 Sec. 18-4. Aggravated vehicular hijacking.

17 (a) A person commits aggravated vehicular hijacking when he
18 or she violates Section 18-3; and

19 (1) the person from whose immediate presence the motor
20 vehicle is taken is a person with a physical disability or
21 a person 60 years of age or over; or

22 (2) a person under 16 years of age is a passenger in
23 the motor vehicle at the time of the offense; or

24 (3) he or she carries on or about his or her person, or
25 is otherwise armed with a dangerous weapon, other than a

1 firearm; or

2 (4) he or she carries on or about his or her person or
3 is otherwise armed with a firearm; or

4 (5) he or she, during the commission of the offense,
5 personally discharges a firearm; or

6 (6) he or she, during the commission of the offense,
7 personally discharges a firearm that proximately causes
8 great bodily harm, permanent disability, permanent
9 disfigurement, or death to another person.

10 (b) Sentence. Aggravated vehicular hijacking in violation
11 of subsections (a)(1) or (a)(2) is a Class X felony. A
12 violation of subsection (a)(3) is a Class X felony for which a
13 term of imprisonment of not less than 7 years shall be imposed.
14 A violation of subsection (a)(4) is a Class X felony for which
15 up to 15 years may ~~shall~~ be added to the term of imprisonment
16 imposed by the court. A violation of subsection (a)(5) is a
17 Class X felony for which up to 20 years may ~~shall~~ be added to
18 the term of imprisonment imposed by the court. A violation of
19 subsection (a)(6) is a Class X felony for which ~~25 years or~~ up
20 to a term of natural life may ~~shall~~ be added to the term of
21 imprisonment imposed by the court.

22 (Source: P.A. 99-143, eff. 7-27-15.)

23 (720 ILCS 5/19-6) (was 720 ILCS 5/12-11)

24 Sec. 19-6. Home Invasion.

25 (a) A person who is not a peace officer acting in the line

1 of duty commits home invasion when without authority he or she
2 knowingly enters the dwelling place of another when he or she
3 knows or has reason to know that one or more persons is present
4 or he or she knowingly enters the dwelling place of another and
5 remains in the dwelling place until he or she knows or has
6 reason to know that one or more persons is present or who
7 falsely represents himself or herself, including but not
8 limited to, falsely representing himself or herself to be a
9 representative of any unit of government or a construction,
10 telecommunications, or utility company, for the purpose of
11 gaining entry to the dwelling place of another when he or she
12 knows or has reason to know that one or more persons are
13 present and

14 (1) While armed with a dangerous weapon, other than a
15 firearm, uses force or threatens the imminent use of force
16 upon any person or persons within the dwelling place
17 whether or not injury occurs, or

18 (2) Intentionally causes any injury, except as
19 provided in subsection (a)(5), to any person or persons
20 within the dwelling place, or

21 (3) While armed with a firearm uses force or threatens
22 the imminent use of force upon any person or persons within
23 the dwelling place whether or not injury occurs, or

24 (4) Uses force or threatens the imminent use of force
25 upon any person or persons within the dwelling place
26 whether or not injury occurs and during the commission of

1 the offense personally discharges a firearm, or

2 (5) Personally discharges a firearm that proximately
3 causes great bodily harm, permanent disability, permanent
4 disfigurement, or death to another person within the
5 dwelling place, or

6 (6) Commits, against any person or persons within that
7 dwelling place, a violation of Section 11-1.20, 11-1.30,
8 11-1.40, 11-1.50, or 11-1.60 of this Code.

9 (b) It is an affirmative defense to a charge of home
10 invasion that the accused who knowingly enters the dwelling
11 place of another and remains in the dwelling place until he or
12 she knows or has reason to know that one or more persons is
13 present either immediately leaves the premises or surrenders to
14 the person or persons lawfully present therein without either
15 attempting to cause or causing serious bodily injury to any
16 person present therein.

17 (c) Sentence. Home invasion in violation of subsection
18 (a) (1), (a) (2) or (a) (6) is a Class X felony. A violation of
19 subsection (a) (3) is a Class X felony for which up to 15 years
20 may ~~shall~~ be added to the term of imprisonment imposed by the
21 court. A violation of subsection (a) (4) is a Class X felony for
22 which 20 years shall be added to the term of imprisonment
23 imposed by the court. A violation of subsection (a) (5) is a
24 Class X felony for which ~~25 years or~~ up to a term of natural
25 life may ~~shall~~ be added to the term of imprisonment imposed by
26 the court.

1 (d) For purposes of this Section, "dwelling place of
2 another" includes a dwelling place where the defendant
3 maintains a tenancy interest but from which the defendant has
4 been barred by a divorce decree, judgment of dissolution of
5 marriage, order of protection, or other court order.

6 (Source: P.A. 96-1113, eff. 1-1-11; 96-1551, eff. 7-1-11;
7 97-1108, eff. 1-1-13; 97-1150, eff. 1-25-13.)

8 (720 ILCS 5/33A-3) (from Ch. 38, par. 33A-3)

9 Sec. 33A-3. Sentence.

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

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

16 (b) Violation of Section 33A-2(a) with a Category III
17 weapon is a Class 2 felony or the felony classification
18 provided for the same act while unarmed, whichever permits the
19 greater penalty. A second or subsequent violation of Section
20 33A-2(a) with a Category III weapon is a Class 1 felony or the
21 felony classification provided for the same act while unarmed,
22 whichever permits the greater penalty.

23 (b-5) Violation of Section 33A-2(b) with a firearm that is
24 a Category I or Category II weapon is a Class X felony for
25 which the defendant may ~~shall~~ be sentenced to a minimum term of

1 imprisonment of 20 years.

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

6 (c) Unless sentencing under subsection (a) of Section
7 5-4.5-95 of the Unified Code of Corrections (730 ILCS
8 5/5-4.5-95) is applicable, any person who violates subsection
9 (a) or (b) of Section 33A-2 with a firearm, when that person
10 has been convicted in any state or federal court of 3 or more
11 of the following offenses: treason, first degree murder, second
12 degree murder, predatory criminal sexual assault of a child,
13 aggravated criminal sexual assault, criminal sexual assault,
14 robbery, burglary, arson, kidnaping, aggravated battery
15 resulting in great bodily harm or permanent disability or
16 disfigurement, a violation of the Methamphetamine Control and
17 Community Protection Act, or a violation of Section 401(a) of
18 the Illinois Controlled Substances Act, when the third offense
19 was committed after conviction on the second, the second
20 offense was committed after conviction on the first, and the
21 violation of Section 33A-2 was committed after conviction on
22 the third, may ~~shall~~ be sentenced to a term of imprisonment of
23 not less than 25 years nor more than 50 years.

24 (c-5) Except as otherwise provided in paragraph (b-10) or
25 (c) of this Section, a person who violates Section 33A-2(a)
26 with a firearm that is a Category I weapon or Section 33A-2(b)

1 in any school, in any conveyance owned, leased, or contracted
2 by a school to transport students to or from school or a school
3 related activity, or on the real property comprising any school
4 or public park, and where the offense was related to the
5 activities of an organized gang, may ~~shall~~ be sentenced to a
6 term of imprisonment of not less than the term set forth in
7 subsection (a) or (b-5) of this Section, whichever is
8 applicable, and not more than 30 years. For the purposes of
9 this subsection (c-5), "organized gang" has the meaning
10 ascribed to it in Section 10 of the Illinois Streetgang
11 Terrorism Omnibus Prevention Act.

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

17 (i) solicitation of murder,

18 (ii) solicitation of murder for hire,

19 (iii) heinous battery as described in Section 12-4.1 or
20 subdivision (a)(2) of Section 12-3.05,

21 (iv) aggravated battery of a senior citizen as
22 described in Section 12-4.6 or subdivision (a)(4) of
23 Section 12-3.05,

24 (v) (blank),

25 (vi) a violation of subsection (g) of Section 5 of the
26 Cannabis Control Act,

- 1 (vii) cannabis trafficking,
2 (viii) a violation of subsection (a) of Section 401 of
3 the Illinois Controlled Substances Act,
4 (ix) controlled substance trafficking involving a
5 Class X felony amount of controlled substance under Section
6 401 of the Illinois Controlled Substances Act,
7 (x) calculated criminal drug conspiracy,
8 (xi) streetgang criminal drug conspiracy, or
9 (xii) a violation of the Methamphetamine Control and
10 Community Protection Act.

11 (Source: P.A. 95-688, eff. 10-23-07; 95-1052, eff. 7-1-09;
12 96-1551, eff. 7-1-11.)

13 Section 10. The Unified Code of Corrections is amended by
14 changing Section 5-8-1 as follows:

15 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

16 Sec. 5-8-1. Natural life imprisonment; enhancements for
17 use of a firearm; mandatory supervised release terms.

18 (a) Except as otherwise provided in the statute defining
19 the offense or in Article 4.5 of Chapter V, a sentence of
20 imprisonment for a felony shall be a determinate sentence set
21 by the court under this Section, subject to Section 5-4.5-115
22 of this Code, according to the following limitations:

23 (1) for first degree murder,

24 (a) (blank),

1 (b) if a trier of fact finds beyond a reasonable
2 doubt that the murder was accompanied by exceptionally
3 brutal or heinous behavior indicative of wanton
4 cruelty or, except as set forth in subsection (a) (1) (c)
5 of this Section, that any of the aggravating factors
6 listed in subsection (b) or (b-5) of Section 9-1 of the
7 Criminal Code of 1961 or the Criminal Code of 2012 are
8 present, the court may sentence the defendant, subject
9 to Section 5-4.5-105, to a term of natural life
10 imprisonment, or

11 (c) the court shall sentence the defendant to a
12 term of natural life imprisonment if the defendant, at
13 the time of the commission of the murder, had attained
14 the age of 18, and

15 (i) has previously been convicted of first
16 degree murder under any state or federal law, or

17 (ii) is found guilty of murdering more than one
18 victim, or

19 (iii) is found guilty of murdering a peace
20 officer, fireman, or emergency management worker
21 when the peace officer, fireman, or emergency
22 management worker was killed in the course of
23 performing his official duties, or to prevent the
24 peace officer or fireman from performing his
25 official duties, or in retaliation for the peace
26 officer, fireman, or emergency management worker

1 from performing his official duties, and the
2 defendant knew or should have known that the
3 murdered individual was a peace officer, fireman,
4 or emergency management worker, or

5 (iv) is found guilty of murdering an employee
6 of an institution or facility of the Department of
7 Corrections, or any similar local correctional
8 agency, when the employee was killed in the course
9 of performing his official duties, or to prevent
10 the employee from performing his official duties,
11 or in retaliation for the employee performing his
12 official duties, or

13 (v) is found guilty of murdering an emergency
14 medical technician - ambulance, emergency medical
15 technician - intermediate, emergency medical
16 technician - paramedic, ambulance driver or other
17 medical assistance or first aid person while
18 employed by a municipality or other governmental
19 unit when the person was killed in the course of
20 performing official duties or to prevent the
21 person from performing official duties or in
22 retaliation for performing official duties and the
23 defendant knew or should have known that the
24 murdered individual was an emergency medical
25 technician - ambulance, emergency medical
26 technician - intermediate, emergency medical

1 technician - paramedic, ambulance driver, or other
2 medical assistant or first aid personnel, or

3 (vi) (blank), or

4 (vii) is found guilty of first degree murder
5 and the murder was committed by reason of any
6 person's activity as a community policing
7 volunteer or to prevent any person from engaging in
8 activity as a community policing volunteer. For
9 the purpose of this Section, "community policing
10 volunteer" has the meaning ascribed to it in
11 Section 2-3.5 of the Criminal Code of 2012.

12 For purposes of clause (v), "emergency medical
13 technician - ambulance", "emergency medical technician
14 - intermediate", "emergency medical technician -
15 paramedic", have the meanings ascribed to them in the
16 Emergency Medical Services (EMS) Systems Act.

17 (d) (i) if the person committed the offense while
18 armed with a firearm, up to 15 years may ~~shall~~ be
19 added to the term of imprisonment imposed by the
20 court;

21 (ii) if, during the commission of the offense, the
22 person personally discharged a firearm, up to 20 years
23 may ~~shall~~ be added to the term of imprisonment imposed
24 by the court;

25 (iii) if, during the commission of the offense, the
26 person personally discharged a firearm that

1 proximately caused great bodily harm, permanent
2 disability, permanent disfigurement, or death to
3 another person, ~~25 years or~~ up to a term of natural
4 life may ~~shall~~ be added to the term of imprisonment
5 imposed by the court.

6 (2) (blank);

7 (2.5) for a person who has attained the age of 18 years
8 at the time of the commission of the offense and who is
9 convicted under the circumstances described in subdivision
10 (b) (1) (B) of Section 11-1.20 or paragraph (3) of subsection
11 (b) of Section 12-13, subdivision (d) (2) of Section 11-1.30
12 or paragraph (2) of subsection (d) of Section 12-14,
13 subdivision (b) (1.2) of Section 11-1.40 or paragraph (1.2)
14 of subsection (b) of Section 12-14.1, subdivision (b) (2) of
15 Section 11-1.40 or paragraph (2) of subsection (b) of
16 Section 12-14.1 of the Criminal Code of 1961 or the
17 Criminal Code of 2012, the sentence shall be a term of
18 natural life imprisonment.

19 (b) (Blank).

20 (c) (Blank).

21 (d) Subject to earlier termination under Section 3-3-8, the
22 parole or mandatory supervised release term shall be written as
23 part of the sentencing order and shall be as follows:

24 (1) for first degree murder or a Class X felony except
25 for the offenses of predatory criminal sexual assault of a
26 child, aggravated criminal sexual assault, and criminal

1 sexual assault if committed on or after the effective date
2 of this amendatory Act of the 94th General Assembly and
3 except for the offense of aggravated child pornography
4 under Section 11-20.1B, 11-20.3, or 11-20.1 with
5 sentencing under subsection (c-5) of Section 11-20.1 of the
6 Criminal Code of 1961 or the Criminal Code of 2012, if
7 committed on or after January 1, 2009, 3 years;

8 (2) for a Class 1 felony or a Class 2 felony except for
9 the offense of criminal sexual assault if committed on or
10 after the effective date of this amendatory Act of the 94th
11 General Assembly and except for the offenses of manufacture
12 and dissemination of child pornography under clauses
13 (a)(1) and (a)(2) of Section 11-20.1 of the Criminal Code
14 of 1961 or the Criminal Code of 2012, if committed on or
15 after January 1, 2009, 2 years;

16 (3) for a Class 3 felony or a Class 4 felony, 1 year;

17 (4) for defendants who commit the offense of predatory
18 criminal sexual assault of a child, aggravated criminal
19 sexual assault, or criminal sexual assault, on or after the
20 effective date of this amendatory Act of the 94th General
21 Assembly, or who commit the offense of aggravated child
22 pornography under Section 11-20.1B, 11-20.3, or 11-20.1
23 with sentencing under subsection (c-5) of Section 11-20.1
24 of the Criminal Code of 1961 or the Criminal Code of 2012,
25 manufacture of child pornography, or dissemination of
26 child pornography after January 1, 2009, the term of

1 mandatory supervised release shall range from a minimum of
2 3 years to a maximum of the natural life of the defendant;

3 (5) if the victim is under 18 years of age, for a
4 second or subsequent offense of aggravated criminal sexual
5 abuse or felony criminal sexual abuse, 4 years, at least
6 the first 2 years of which the defendant shall serve in an
7 electronic monitoring or home detention program under
8 Article 8A of Chapter V of this Code;

9 (6) for a felony domestic battery, aggravated domestic
10 battery, stalking, aggravated stalking, and a felony
11 violation of an order of protection, 4 years.

12 (e) (Blank).

13 (f) (Blank).

14 (Source: P.A. 100-431, eff. 8-25-17; 100-1182, eff. 6-1-19;
15 101-288, eff. 1-1-20.)