



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB2989

Introduced 2/19/2021, 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.

LRB102 10284 KMF 15611 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
5 changing Sections 8-4, 9-1.2, 10-2, 11-1.40, 12-3.05, 18-2,
6 18-4, 19-6, 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
20 or 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
13 during which the person personally discharged a
14 firearm is a Class X felony for which up to 20 years
15 may ~~shall~~ be added to the term of imprisonment imposed
16 by the court;

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

25 (E) if the defendant proves by a preponderance of
26 the evidence at sentencing that, at the time of the

1 attempted murder, he or she was acting under a sudden
2 and intense passion resulting from serious provocation
3 by the individual whom the defendant endeavored to
4 kill, or another, and, had the individual the
5 defendant endeavored to kill died, the defendant would
6 have negligently or accidentally caused that death,
7 then the sentence for the attempted murder is the
8 sentence for a Class 1 felony;

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

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

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

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

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

20 (720 ILCS 5/9-1.2) (from Ch. 38, par. 9-1.2)

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

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

25 (1) either intended to cause the death of or do great

1 bodily harm to the pregnant individual or unborn child or
2 knew that such acts would cause death or great bodily harm
3 to the pregnant individual or unborn child; or

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

7 (3) knew that the individual was pregnant.

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

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

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

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

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

26 (3) if, during the commission of the offense, the

1 person personally discharged a firearm, up to 20 years may
2 ~~shall~~ be added to the term of imprisonment imposed by the
3 court;

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

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

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

14 (720 ILCS 5/10-2) (from Ch. 38, par. 10-2)

15 Sec. 10-2. Aggravated kidnaping.

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

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

20 (2) takes as his or her victim a child under the age of
21 13 years, or a person with a severe or profound
22 intellectual disability;

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

1 (4) wears a hood, robe, or mask or conceals his or her
2 identity;

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

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

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

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

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

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

1 commission of aggravated kidnaping in violation of paragraphs
2 (1) through (8) of subsection (a) shall be sentenced under
3 Section 5-4.5-105 of the Unified Code of Corrections.

4 A person who has attained the age of 18 years at the time
5 of the commission of the offense and who is convicted of a
6 second or subsequent offense of aggravated kidnaping shall be
7 sentenced to a term of natural life imprisonment; except that
8 a sentence of natural life imprisonment shall not be imposed
9 under this Section unless the second or subsequent offense was
10 committed after conviction on the first offense. An offender
11 under the age of 18 years at the time of the commission of the
12 second or subsequent offense shall be sentenced under Section
13 5-4.5-105 of the Unified Code of Corrections.

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

16 (720 ILCS 5/11-1.40) (was 720 ILCS 5/12-14.1)

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

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

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

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

3 (A) is armed with a firearm;

4 (B) personally discharges a firearm during the
5 commission of the offense;

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

7 (i) results in permanent disability; or

8 (ii) is life threatening; or

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

14 (b) Sentence.

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

1 violation of subsection (a) (2) (C) commits a Class X felony
2 for which the person shall be sentenced to a term of
3 imprisonment of not less than 50 years or up to a term of
4 natural life imprisonment. An offender under the age of 18
5 years at the time of the commission of predatory criminal
6 sexual assault of a child in violation of subsections
7 (a) (1), (a) (2) (A), (a) (2) (B), and (a) (2) (C) shall be
8 sentenced under Section 5-4.5-105 of the Unified Code of
9 Corrections.

10 (1.1) A person convicted of a violation of subsection
11 (a) (2) (D) commits a Class X felony for which the person
12 shall be sentenced to a term of imprisonment of not less
13 than 50 years and not more than 60 years. An offender under
14 the age of 18 years at the time of the commission of
15 predatory criminal sexual assault of a child in violation
16 of subsection (a) (2) (D) shall be sentenced under Section
17 5-4.5-105 of the Unified Code of Corrections.

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

1 Unified Code of Corrections.

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

24 (Source: P.A. 98-370, eff. 1-1-14; 98-756, eff. 7-16-14;
25 98-903, eff. 8-15-14; 99-69, eff. 1-1-16.)

1 (720 ILCS 5/12-3.05) (was 720 ILCS 5/12-4)

2 Sec. 12-3.05. Aggravated battery.

3 (a) Offense based on injury. A person commits aggravated
4 battery when, in committing a battery, other than by the
5 discharge of a firearm, he or she knowingly does any of the
6 following:

7 (1) Causes great bodily harm or permanent disability
8 or disfigurement.

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

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

21 (i) performing his or her official duties;

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

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

26 (4) Causes great bodily harm or permanent disability

1 or disfigurement to an individual 60 years of age or
2 older.

3 (5) Strangles another individual.

4 (b) Offense based on injury to a child or person with an
5 intellectual disability. A person who is at least 18 years of
6 age commits aggravated battery when, in committing a battery,
7 he or she knowingly and without legal justification by any
8 means:

9 (1) causes great bodily harm or permanent disability
10 or disfigurement to any child under the age of 13 years, or
11 to any person with a severe or profound intellectual
12 disability; or

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

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

24 (d) Offense based on status of victim. A person commits
25 aggravated battery when, in committing a battery, other than
26 by discharge of a firearm, he or she knows the individual

1 battered to be any of the following:

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

3 (2) A person who is pregnant or has a physical
4 disability.

5 (3) A teacher or school employee upon school grounds
6 or grounds adjacent to a school or in any part of a
7 building used for school purposes.

8 (4) A peace officer, community policing volunteer,
9 fireman, private security officer, correctional
10 institution employee, or Department of Human Services
11 employee supervising or controlling sexually dangerous
12 persons or sexually violent persons:

13 (i) performing his or her official duties;

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

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

18 (5) A judge, emergency management worker, emergency
19 medical services personnel, or utility worker:

20 (i) performing his or her official duties;

21 (ii) battered to prevent performance of his or her
22 official duties; or

23 (iii) battered in retaliation for performing his
24 or her official duties.

25 (6) An officer or employee of the State of Illinois, a
26 unit of local government, or a school district, while

1 performing his or her official duties.

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

4 (8) A taxi driver on duty.

5 (9) A merchant who detains the person for an alleged
6 commission of retail theft under Section 16-26 of this
7 Code and the person without legal justification by any
8 means causes bodily harm to the merchant.

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

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

16 (12) A merchant: (i) while performing his or her
17 duties, including, but not limited to, relaying directions
18 for healthcare or safety from his or her supervisor or
19 employer or relaying health or safety guidelines,
20 recommendations, regulations, or rules from a federal,
21 State, or local public health agency; and (ii) during a
22 disaster declared by the Governor, or a state of emergency
23 declared by the mayor of the municipality in which the
24 merchant is located, due to a public health emergency and
25 for a period of 6 months after such declaration.

26 (e) Offense based on use of a firearm. A person commits

1 aggravated battery when, in committing a battery, he or she
2 knowingly does any of the following:

3 (1) Discharges a firearm, other than a machine gun or
4 a firearm equipped with a silencer, and causes any injury
5 to another person.

6 (2) Discharges a firearm, other than a machine gun or
7 a firearm equipped with a silencer, and causes any injury
8 to a person he or she knows to be a peace officer,
9 community policing volunteer, person summoned by a police
10 officer, fireman, private security officer, correctional
11 institution employee, or emergency management worker:

12 (i) performing his or her official duties;

13 (ii) battered to prevent performance of his or her
14 official duties; or

15 (iii) battered in retaliation for performing his
16 or her official duties.

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

21 (i) performing his or her official duties;

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

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

26 (4) Discharges a firearm and causes any injury to a

1 person he or she knows to be a teacher, a student in a
2 school, or a school employee, and the teacher, student, or
3 employee is upon school grounds or grounds adjacent to a
4 school or in any part of a building used for school
5 purposes.

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

8 (6) Discharges a machine gun or a firearm equipped
9 with a silencer, and causes any injury to a person he or
10 she knows to be a peace officer, community policing
11 volunteer, person summoned by a police officer, fireman,
12 private security officer, correctional institution
13 employee or emergency management 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 (7) Discharges a machine gun or a firearm equipped
20 with a silencer, and causes any injury to a person he or
21 she knows to be emergency medical services personnel:

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 (8) Discharges a machine gun or a firearm equipped
2 with a silencer, and causes any injury to a person he or
3 she knows to be a teacher, or a student in a school, or a
4 school employee, and the teacher, student, or employee is
5 upon school grounds or grounds adjacent to a school or in
6 any part of a building used for school purposes.

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

10 (1) Uses a deadly weapon other than by discharge of a
11 firearm, or uses an air rifle as defined in Section
12 24.8-0.1 of this Code.

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

15 (3) Knowingly and without lawful justification shines
16 or flashes a laser gunsight or other laser device attached
17 to a firearm, or used in concert with a firearm, so that
18 the laser beam strikes upon or against the person of
19 another.

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

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

25 (1) Violates Section 401 of the Illinois Controlled
26 Substances Act by unlawfully delivering a controlled

1 substance to another and any user experiences great bodily
2 harm or permanent disability as a result of the injection,
3 inhalation, or ingestion of any amount of the controlled
4 substance.

5 (2) Knowingly administers to an individual or causes
6 him or her to take, without his or her consent or by threat
7 or deception, and for other than medical purposes, any
8 intoxicating, poisonous, stupefying, narcotic,
9 anesthetic, or controlled substance, or gives to another
10 person any food containing any substance or object
11 intended to cause physical injury if eaten.

12 (3) Knowingly causes or attempts to cause a
13 correctional institution employee or Department of Human
14 Services employee to come into contact with blood, seminal
15 fluid, urine, or feces by throwing, tossing, or expelling
16 the fluid or material, and the person is an inmate of a
17 penal institution or is a sexually dangerous person or
18 sexually violent person in the custody of the Department
19 of Human Services.

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

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

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

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

1 Class 1 felony when the aggravated battery was intentional and
2 involved the infliction of torture, as defined in paragraph
3 (14) of subsection (b) of Section 9-1 of this Code, as the
4 infliction of or subjection to extreme physical pain,
5 motivated by an intent to increase or prolong the pain,
6 suffering, or agony of the victim.

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

13 Aggravated battery under subdivision (a)(5) is a Class 1
14 felony if:

15 (A) the person used or attempted to use a dangerous
16 instrument while committing the offense;

17 (B) the person caused great bodily harm or permanent
18 disability or disfigurement to the other person while
19 committing the offense; or

20 (C) the person has been previously convicted of a
21 violation of subdivision (a)(5) under the laws of this
22 State or laws similar to subdivision (a)(5) of any other
23 state.

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

26 Aggravated battery as defined in subdivision (a)(2) is a

1 Class X felony for which a person shall be sentenced to a term
2 of imprisonment of a minimum of 6 years and a maximum of 45
3 years.

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

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

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

16 Aggravated battery as defined in subdivision (b)(1) is a
17 Class X felony, except that:

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

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

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

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

5 (i) Definitions. In this Section:

6 "Building or other structure used to provide shelter" has
7 the meaning ascribed to "shelter" in Section 1 of the Domestic
8 Violence Shelters Act.

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

11 "Domestic violence shelter" means any building or other
12 structure used to provide shelter or other services to victims
13 or to the dependent children of victims of domestic violence
14 pursuant to the Illinois Domestic Violence Act of 1986 or the
15 Domestic Violence Shelters Act, or any place within 500 feet
16 of such a building or other structure in the case of a person
17 who is going to or from such a building or other structure.

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

22 "Machine gun" has the meaning ascribed to it in Section
23 24-1 of this Code.

24 "Merchant" has the meaning ascribed to it in Section
25 16-0.1 of this Code.

26 "Strangle" means intentionally impeding the normal

1 breathing or circulation of the blood of an individual by
2 applying pressure on the throat or neck of that individual or
3 by blocking the nose or mouth of that individual.

4 (Source: P.A. 101-223, eff. 1-1-20; 101-651, eff. 8-7-20.)

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

6 Sec. 18-2. Armed robbery.

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

9 (1) he or she carries on or about his or her person or
10 is otherwise armed with a dangerous weapon other than a
11 firearm; or

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

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

16 (4) he or she, during the commission of the offense,
17 personally discharges a firearm that proximately causes
18 great bodily harm, permanent disability, permanent
19 disfigurement, or death to another person.

20 (b) Sentence.

21 Armed robbery in violation of subsection (a) (1) is a Class
22 X felony. A violation of subsection (a) (2) is a Class X felony
23 for which up to 15 years may ~~shall~~ be added to the term of
24 imprisonment imposed by the court. A violation of subsection
25 (a) (3) is a Class X felony for which 20 years shall be added to

1 the term of imprisonment imposed by the court. A violation of
2 subsection (a) (4) is a Class X felony for which ~~25 years or~~ up
3 to a term of natural life may ~~shall~~ be added to the term of
4 imprisonment imposed by the court.

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

6 (720 ILCS 5/18-4)

7 Sec. 18-4. Aggravated vehicular hijacking.

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

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

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

15 (3) he or she carries on or about his or her person, or
16 is otherwise armed with a dangerous weapon, other than a
17 firearm; or

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

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

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

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

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

14 (720 ILCS 5/19-6) (was 720 ILCS 5/12-11)

15 Sec. 19-6. Home Invasion.

16 (a) A person who is not a peace officer acting in the line
17 of duty commits home invasion when without authority he or she
18 knowingly enters the dwelling place of another when he or she
19 knows or has reason to know that one or more persons is present
20 or he or she knowingly enters the dwelling place of another and
21 remains in the dwelling place until he or she knows or has
22 reason to know that one or more persons is present or who
23 falsely represents himself or herself, including but not
24 limited to, falsely representing himself or herself to be a
25 representative of any unit of government or a construction,

1 telecommunications, or utility company, for the purpose of
2 gaining entry to the dwelling place of another when he or she
3 knows or has reason to know that one or more persons are
4 present and

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

9 (2) Intentionally causes any injury, except as
10 provided in subsection (a)(5), to any person or persons
11 within the dwelling place, or

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

15 (4) 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 and during the commission of
18 the offense personally discharges a firearm, or

19 (5) Personally discharges a firearm that proximately
20 causes great bodily harm, permanent disability, permanent
21 disfigurement, or death to another person within the
22 dwelling place, or

23 (6) Commits, against any person or persons within that
24 dwelling place, a violation of Section 11-1.20, 11-1.30,
25 11-1.40, 11-1.50, or 11-1.60 of this Code.

26 (b) It is an affirmative defense to a charge of home

1 invasion that the accused who knowingly enters the dwelling
2 place of another and remains in the dwelling place until he or
3 she knows or has reason to know that one or more persons is
4 present either immediately leaves the premises or surrenders
5 to the person or persons lawfully present therein without
6 either attempting to cause or causing serious bodily injury to
7 any person present therein.

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

18 (d) For purposes of this Section, "dwelling place of
19 another" includes a dwelling place where the defendant
20 maintains a tenancy interest but from which the defendant has
21 been barred by a divorce decree, judgment of dissolution of
22 marriage, order of protection, or other court order.

23 (Source: P.A. 96-1113, eff. 1-1-11; 96-1551, eff. 7-1-11;
24 97-1108, eff. 1-1-13; 97-1150, eff. 1-25-13.)

1 Sec. 33A-3. Sentence.

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

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

8 (b) Violation of Section 33A-2(a) with a Category III
9 weapon is a Class 2 felony or the felony classification
10 provided for the same act while unarmed, whichever permits the
11 greater penalty. A second or subsequent violation of Section
12 33A-2(a) with a Category III weapon is a Class 1 felony or the
13 felony classification provided for the same act while unarmed,
14 whichever permits the greater penalty.

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

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

23 (c) Unless sentencing under subsection (a) of Section
24 5-4.5-95 of the Unified Code of Corrections (730 ILCS
25 5/5-4.5-95) is applicable, any person who violates subsection
26 (a) or (b) of Section 33A-2 with a firearm, when that person

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

15 (c-5) Except as otherwise provided in paragraph (b-10) or
16 (c) of this Section, a person who violates Section 33A-2(a)
17 with a firearm that is a Category I weapon or Section 33A-2(b)
18 in any school, in any conveyance owned, leased, or contracted
19 by a school to transport students to or from school or a school
20 related activity, or on the real property comprising any
21 school or public park, and where the offense was related to the
22 activities of an organized gang, may ~~shall~~ be sentenced to a
23 term of imprisonment of not less than the term set forth in
24 subsection (a) or (b-5) of this Section, whichever is
25 applicable, and not more than 30 years. For the purposes of
26 this subsection (c-5), "organized gang" has the meaning

1 ascribed to it in Section 10 of the Illinois Streetgang
2 Terrorism Omnibus Prevention Act.

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

8 (i) solicitation of murder,

9 (ii) solicitation of murder for hire,

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

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

15 (v) (blank),

16 (vi) a violation of subsection (g) of Section 5 of the
17 Cannabis Control Act,

18 (vii) cannabis trafficking,

19 (viii) a violation of subsection (a) of Section 401 of
20 the Illinois Controlled Substances Act,

21 (ix) controlled substance trafficking involving a
22 Class X felony amount of controlled substance under
23 Section 401 of the Illinois Controlled Substances Act,

24 (x) calculated criminal drug conspiracy,

25 (xi) streetgang criminal drug conspiracy, or

26 (xii) a violation of the Methamphetamine Control and

1 Community Protection Act.

2 (Source: P.A. 95-688, eff. 10-23-07; 95-1052, eff. 7-1-09;
3 96-1551, eff. 7-1-11.)

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

6 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

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

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

14 (1) for first degree murder,

15 (a) (blank),

16 (b) if a trier of fact finds beyond a reasonable
17 doubt that the murder was accompanied by exceptionally
18 brutal or heinous behavior indicative of wanton
19 cruelty or, except as set forth in subsection
20 (a) (1) (c) of this Section, that any of the aggravating
21 factors listed in subsection (b) or (b-5) of Section
22 9-1 of the Criminal Code of 1961 or the Criminal Code
23 of 2012 are present, the court may sentence the
24 defendant, subject to Section 5-4.5-105, to a term of

1 natural life imprisonment, or

2 (c) the court shall sentence the defendant to a
3 term of natural life imprisonment if the defendant, at
4 the time of the commission of the murder, had attained
5 the age of 18, and

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

8 (ii) is found guilty of murdering more than
9 one victim, or

10 (iii) is found guilty of murdering a peace
11 officer, fireman, or emergency management worker
12 when the peace officer, fireman, or emergency
13 management worker was killed in the course of
14 performing his official duties, or to prevent the
15 peace officer or fireman from performing his
16 official duties, or in retaliation for the peace
17 officer, fireman, or emergency management worker
18 from performing his official duties, and the
19 defendant knew or should have known that the
20 murdered individual was a peace officer, fireman,
21 or emergency management worker, or

22 (iv) is found guilty of murdering an employee
23 of an institution or facility of the Department of
24 Corrections, or any similar local correctional
25 agency, when the employee was killed in the course
26 of performing his official duties, or to prevent

1 the employee from performing his official duties,
2 or in retaliation for the employee performing his
3 official duties, or

4 (v) is found guilty of murdering an emergency
5 medical technician - ambulance, emergency medical
6 technician - intermediate, emergency medical
7 technician - paramedic, ambulance driver or other
8 medical assistance or first aid person while
9 employed by a municipality or other governmental
10 unit when the person was killed in the course of
11 performing official duties or to prevent the
12 person from performing official duties or in
13 retaliation for performing official duties and the
14 defendant knew or should have known that the
15 murdered individual was an emergency medical
16 technician - ambulance, emergency medical
17 technician - intermediate, emergency medical
18 technician - paramedic, ambulance driver, or other
19 medical assistant or first aid personnel, or

20 (vi) (blank), or

21 (vii) is found guilty of first degree murder
22 and the murder was committed by reason of any
23 person's activity as a community policing
24 volunteer or to prevent any person from engaging
25 in activity as a community policing volunteer. For
26 the purpose of this Section, "community policing

1 volunteer" has the meaning ascribed to it in
2 Section 2-3.5 of the Criminal Code of 2012.

3 For purposes of clause (v), "emergency medical
4 technician - ambulance", "emergency medical technician
5 - intermediate", "emergency medical technician -
6 paramedic", have the meanings ascribed to them in the
7 Emergency Medical Services (EMS) Systems Act.

8 (d) (i) if the person committed the offense while
9 armed with a firearm, up to 15 years ~~may shall~~ be
10 added to the term of imprisonment imposed by the
11 court;

12 (ii) if, during the commission of the offense, the
13 person personally discharged a firearm, up to 20 years
14 ~~may shall~~ be added to the term of imprisonment imposed
15 by the court;

16 (iii) if, during the commission of the offense,
17 the person personally discharged a firearm that
18 proximately caused great bodily harm, permanent
19 disability, permanent disfigurement, or death to
20 another person, ~~25 years or~~ up to a term of natural
21 life ~~may shall~~ be added to the term of imprisonment
22 imposed by the court.

23 (2) (blank);

24 (2.5) for a person who has attained the age of 18 years
25 at the time of the commission of the offense and who is
26 convicted under the circumstances described in subdivision

1 (b) (1) (B) of Section 11-1.20 or paragraph (3) of
2 subsection (b) of Section 12-13, subdivision (d) (2) of
3 Section 11-1.30 or paragraph (2) of subsection (d) of
4 Section 12-14, subdivision (b) (1.2) of Section 11-1.40 or
5 paragraph (1.2) of subsection (b) of Section 12-14.1,
6 subdivision (b) (2) of Section 11-1.40 or paragraph (2) of
7 subsection (b) of Section 12-14.1 of the Criminal Code of
8 1961 or the Criminal Code of 2012, the sentence shall be a
9 term of natural life imprisonment.

10 (b) (Blank).

11 (c) (Blank).

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

16 (1) for first degree murder or a Class X felony except
17 for the offenses of predatory criminal sexual assault of a
18 child, aggravated criminal sexual assault, and criminal
19 sexual assault if committed on or after the effective date
20 of this amendatory Act of the 94th General Assembly and
21 except for the offense of aggravated child pornography
22 under Section 11-20.1B, 11-20.3, or 11-20.1 with
23 sentencing under subsection (c-5) of Section 11-20.1 of
24 the Criminal Code of 1961 or the Criminal Code of 2012, if
25 committed on or after January 1, 2009, 3 years;

26 (2) for a Class 1 felony or a Class 2 felony except for

1 the offense of criminal sexual assault if committed on or
2 after the effective date of this amendatory Act of the
3 94th General Assembly and except for the offenses of
4 manufacture and dissemination of child pornography under
5 clauses (a)(1) and (a)(2) 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, 2 years;

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

9 (4) for defendants who commit the offense of predatory
10 criminal sexual assault of a child, aggravated criminal
11 sexual assault, or criminal sexual assault, on or after
12 the effective date of this amendatory Act of the 94th
13 General Assembly, or who commit the offense of aggravated
14 child pornography under Section 11-20.1B, 11-20.3, or
15 11-20.1 with sentencing under subsection (c-5) of Section
16 11-20.1 of the Criminal Code of 1961 or the Criminal Code
17 of 2012, manufacture of child pornography, or
18 dissemination of child pornography after January 1, 2009,
19 the term of mandatory supervised release shall range from
20 a minimum of 3 years to a maximum of the natural life of
21 the defendant;

22 (5) if the victim is under 18 years of age, for a
23 second or subsequent offense of aggravated criminal sexual
24 abuse or felony criminal sexual abuse, 4 years, at least
25 the first 2 years of which the defendant shall serve in an
26 electronic monitoring or home detention program under

1 Article 8A of Chapter V of this Code;

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

5 (e) (Blank).

6 (f) (Blank).

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