



Rep. La Shawn K. Ford

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10200HB2989ham002

LRB102 10284 KMF 24792 a

1 AMENDMENT TO HOUSE BILL 2989

2 AMENDMENT NO. _____. Amend House Bill 2989, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Unified Code of Corrections is amended by
6 changing Section 5-4.5-105 as follows:

7 (730 ILCS 5/5-4.5-105)

8 Sec. 5-4.5-105. SENTENCING OF INDIVIDUALS UNDER THE AGE OF
9 21 ~~18~~ AT THE TIME OF THE COMMISSION OF AN OFFENSE.

10 (a) On or after January 1, 2016 (the effective date of
11 Public Act 99-69) ~~this amendatory Act of the 99th General~~
12 ~~Assembly~~ and before the effective date of this amendatory Act
13 of the 102nd General Assembly, when a person commits an
14 offense and the person is under 18 years of age at the time of
15 the commission of the offense, the court, at the sentencing
16 hearing conducted under Section 5-4-1, shall consider the

1 following additional factors in mitigation in determining the
2 appropriate sentence:

3 (1) the person's age, impetuosity, and level of
4 maturity at the time of the offense, including the ability
5 to consider risks and consequences of behavior, and the
6 presence of cognitive or developmental disability, or
7 both, if any;

8 (2) whether the person was subjected to outside
9 pressure, including peer pressure, familial pressure, or
10 negative influences;

11 (3) the person's family, home environment, educational
12 and social background, including any history of parental
13 neglect, physical abuse, or other childhood trauma;

14 (4) the person's potential for rehabilitation or
15 evidence of rehabilitation, or both;

16 (5) the circumstances of the offense;

17 (6) the person's degree of participation and specific
18 role in the offense, including the level of planning by
19 the defendant before the offense;

20 (7) whether the person was able to meaningfully
21 participate in his or her defense;

22 (8) the person's prior juvenile or criminal history;
23 and

24 (9) any other information the court finds relevant and
25 reliable, including an expression of remorse, if
26 appropriate. However, if the person, on advice of counsel

1 chooses not to make a statement, the court shall not
2 consider a lack of an expression of remorse as an
3 aggravating factor.

4 (a-5) On or after the effective date of this amendatory
5 Act of the 102nd General Assembly, when a person commits an
6 offense and the person is under 21 years of age at the time of
7 the commission of the offense, the court, at the sentencing
8 hearing conducted under Section 5-4-1, shall consider the
9 following additional factors in mitigation in determining the
10 appropriate sentence:

11 (1) the person's age, impetuosity, and level of
12 maturity at the time of the offense, including the ability
13 to consider risks and consequences of behavior, and the
14 presence of cognitive or developmental disability, or
15 both, if any;

16 (2) whether the person was subjected to outside
17 pressure, including peer pressure, familial pressure, or
18 negative influences;

19 (3) the person's family, home environment, educational
20 and social background, including any history of parental
21 neglect, physical abuse, or other childhood trauma;

22 (4) the person's potential for rehabilitation or
23 evidence of rehabilitation, or both;

24 (5) the circumstances of the offense;

25 (6) the person's degree of participation and specific
26 role in the offense, including the level of planning by

1 the defendant before the offense;

2 (7) whether the person was able to meaningfully
3 participate in his or her defense;

4 (8) the person's prior juvenile or criminal history;
5 and

6 (9) any other information the court finds relevant and
7 reliable, including an expression of remorse, if
8 appropriate. However, if the person, on advice of counsel
9 chooses not to make a statement, the court shall not
10 consider a lack of an expression of remorse as an
11 aggravating factor.

12 (b) Except as provided in subsection (c), the court may
13 sentence the defendant to any disposition authorized for the
14 class of the offense of which he or she was found guilty as
15 described in Article 4.5 of this Code, and may, in its
16 discretion, decline to impose any otherwise applicable
17 sentencing enhancement based upon firearm possession,
18 possession with personal discharge, or possession with
19 personal discharge that proximately causes great bodily harm,
20 permanent disability, permanent disfigurement, or death to
21 another person.

22 (c) Notwithstanding any other provision of law, if the
23 defendant is convicted of first degree murder and would
24 otherwise be subject to sentencing under clause (iii), (iv),
25 (v), or (vii) of subparagraph (c) of paragraph (1) of
26 subsection (a) of Section 5-8-1 of this Code based on the

1 category of persons identified therein, the court shall impose
2 a sentence of not less than 40 years of imprisonment. In
3 addition, the court may, in its discretion, decline to impose
4 the sentencing enhancements based upon the possession or use
5 of a firearm during the commission of the offense included in
6 subsection (d) of Section 5-8-1.

7 (Source: P.A. 99-69, eff. 1-1-16; 99-258, eff. 1-1-16; 99-875,
8 eff. 1-1-17.)".