

# HB3342



## 102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3342

Introduced 2/22/2021, by Rep. Andrew S. Chesney

### SYNOPSIS AS INTRODUCED:

730 ILCS 5/5-4.5-50

Amends the Unified Code of Corrections. Provides that an offender, who at the time of the commission of the offense, was a member of the General Assembly and who is convicted of a felony that was committed in his or her official capacity as a member of the General Assembly shall be sentenced to pay a minimum fine of \$100,000.

LRB102 11610 KMF 16944 b

A BILL FOR

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 Unified Code of Corrections is amended by  
5 changing Section 5-4.5-50 as follows:

6 (730 ILCS 5/5-4.5-50)

7 Sec. 5-4.5-50. SENTENCE PROVISIONS; ALL FELONIES. Except  
8 as otherwise provided, for all felonies:

9 (a) NO SUPERVISION. The court, upon a plea of guilty or a  
10 stipulation by the defendant of the facts supporting the  
11 charge or a finding of guilt, may not defer further  
12 proceedings and the imposition of a sentence and may not enter  
13 an order for supervision of the defendant.

14 (b) FELONY FINES. Unless otherwise specified by law, the  
15 minimum fine is \$75. An offender may be sentenced to pay a fine  
16 not to exceed, for each offense, \$25,000 or the amount  
17 specified in the offense, whichever is greater, or if the  
18 offender is a corporation, \$50,000 or the amount specified in  
19 the offense, whichever is greater. A fine may be imposed in  
20 addition to a sentence of conditional discharge, probation,  
21 periodic imprisonment, or imprisonment. See Article 9 of  
22 Chapter V (730 ILCS 5/Ch. V, Art. 9) for imposition of  
23 additional amounts and determination of amounts and payment.

1 If the court finds that the fine would impose an undue burden  
2 on the victim, the court may reduce or waive the fine. An  
3 offender, who at the time of the commission of the offense, was  
4 a member of the General Assembly and who is convicted of a  
5 felony that was committed in his or her official capacity as a  
6 member of the General Assembly shall be sentenced to pay a  
7 minimum fine of \$100,000.

8 (c) REASONS FOR SENTENCE STATED. The sentencing judge in  
9 each felony conviction shall set forth his or her reasons for  
10 imposing the particular sentence entered in the case, as  
11 provided in Section 5-4-1 (730 ILCS 5/5-4-1). Those reasons  
12 may include any mitigating or aggravating factors specified in  
13 this Code, or the lack of any such factors, as well as any  
14 other mitigating or aggravating factors that the judge sets  
15 forth on the record that are consistent with the purposes and  
16 principles of sentencing set out in this Code.

17 (d) MOTION TO REDUCE SENTENCE. A motion to reduce a  
18 sentence may be made, or the court may reduce a sentence  
19 without motion, within 30 days after the sentence is imposed.  
20 A defendant's challenge to the correctness of a sentence or to  
21 any aspect of the sentencing hearing shall be made by a written  
22 motion filed with the circuit court clerk within 30 days  
23 following the imposition of sentence. A motion not filed  
24 within that 30-day period is not timely. The court may not  
25 increase a sentence once it is imposed. A notice of motion must  
26 be filed with the motion. The notice of motion shall set the

1 motion on the court's calendar on a date certain within a  
2 reasonable time after the date of filing.

3 If a motion filed pursuant to this subsection is timely  
4 filed, the proponent of the motion shall exercise due  
5 diligence in seeking a determination on the motion and the  
6 court shall thereafter decide the motion within a reasonable  
7 time.

8 If a motion filed pursuant to this subsection is timely  
9 filed, then for purposes of perfecting an appeal, a final  
10 judgment is not considered to have been entered until the  
11 motion to reduce the sentence has been decided by order  
12 entered by the trial court.

13 (e) CONCURRENT SENTENCE; PREVIOUS UNEXPIRED FEDERAL OR  
14 OTHER-STATE SENTENCE. A defendant who has a previous and  
15 unexpired sentence of imprisonment imposed by another state or  
16 by any district court of the United States and who, after  
17 sentence for a crime in Illinois, must return to serve the  
18 unexpired prior sentence may have his or her sentence by the  
19 Illinois court ordered to be concurrent with the prior  
20 other-state or federal sentence. The court may order that any  
21 time served on the unexpired portion of the other-state or  
22 federal sentence, prior to his or her return to Illinois,  
23 shall be credited on his or her Illinois sentence. The  
24 appropriate official of the other state or the United States  
25 shall be furnished with a copy of the order imposing sentence,  
26 which shall provide that, when the offender is released from

1 other-state or federal confinement, whether by parole or by  
2 termination of sentence, the offender shall be transferred by  
3 the Sheriff of the committing Illinois county to the Illinois  
4 Department of Corrections. The court shall cause the  
5 Department of Corrections to be notified of the sentence at  
6 the time of commitment and to be provided with copies of all  
7 records regarding the sentence.

8 (f) REDUCTION; PREVIOUS UNEXPIRED ILLINOIS SENTENCE. A  
9 defendant who has a previous and unexpired sentence of  
10 imprisonment imposed by an Illinois circuit court for a crime  
11 in this State and who is subsequently sentenced to a term of  
12 imprisonment by another state or by any district court of the  
13 United States and who has served a term of imprisonment  
14 imposed by the other state or district court of the United  
15 States, and must return to serve the unexpired prior sentence  
16 imposed by the Illinois circuit court, may apply to the  
17 Illinois circuit court that imposed sentence to have his or  
18 her sentence reduced.

19 The circuit court may order that any time served on the  
20 sentence imposed by the other state or district court of the  
21 United States be credited on his or her Illinois sentence. The  
22 application for reduction of a sentence under this subsection  
23 shall be made within 30 days after the defendant has completed  
24 the sentence imposed by the other state or district court of  
25 the United States.

26 (g) NO REQUIRED BIRTH CONTROL. A court may not impose a

1 sentence or disposition that requires the defendant to be  
2 implanted or injected with or to use any form of birth control.  
3 (Source: P.A. 100-987, eff. 7-1-19; 100-1161, eff. 7-1-19.)