



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3612

Introduced 2/22/2021, by Rep. Justin Slaughter

SYNOPSIS AS INTRODUCED:

See Index

Amends the Counties Code. Amends the Juvenile Court Act of 1987. Amends the Criminal Code of 2012. Determines when a person is considered "armed with a dangerous weapon." Provides that a person is "armed with a dangerous weapon" when he or she carries or is armed with a Category I, Category II, or Category III weapon. Amends other sections to conform with the offense of "armed with a dangerous weapon". Provides that the forcible felonies to qualify for the offense of being an armed habitual criminal should be punishable as a Class 2 felony or higher. Removes the violation of the Illinois Controlled Substances Act or the Cannabis Control Act punishable as a Class 3 felony or higher as a qualifying offense for the offense of being an armed habitual criminal. Amends the Code of Criminal Procedure of 1963. Amends the Unified Code of Corrections. Makes other changes.

LRB102 15213 KMF 20568 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 Counties Code is amended by changing
5 Section 3-6039 as follows:

6 (55 ILCS 5/3-6039)

7 Sec. 3-6039. County juvenile impact incarceration program.

8 (a) With the approval of the county board, the Department
9 of Probation and Court Services in any county shall have the
10 power to operate a county juvenile impact incarceration
11 program for eligible delinquent minors. If the court finds
12 that a minor adjudicated a delinquent meets the eligibility
13 requirements of this Section, the court may in its
14 dispositional order approve the delinquent minor for placement
15 in the county juvenile impact incarceration program
16 conditioned upon his or her acceptance in the program by the
17 Department of Probation and Court Services. The dispositional
18 order also shall provide that if the Department of Probation
19 and Court Services accepts the delinquent minor in the program
20 and determines that the delinquent minor has successfully
21 completed the county juvenile impact incarceration program,
22 the delinquent minor's detention shall be reduced to time
23 considered served upon certification to the court by the

1 Department of Probation and Court Services that the delinquent
2 minor has successfully completed the program. If the
3 delinquent minor is not accepted for placement in the county
4 juvenile impact incarceration program or the delinquent minor
5 does not successfully complete the program, his or her term of
6 commitment shall be as set forth by the court in its
7 dispositional order. If the delinquent minor does not
8 successfully complete the program, time spent in the program
9 does not count as time served against the time limits as set
10 forth in subsection (f) of this Section.

11 (b) In order to be eligible to participate in the county
12 juvenile impact incarceration program, the delinquent minor
13 must meet all of the following requirements:

14 (1) The delinquent minor is at least 13 years of age.

15 (2) The act for which the minor is adjudicated
16 delinquent does not constitute a Class X felony, criminal
17 sexual assault, first degree murder, aggravated
18 kidnapping, second degree murder, ~~armed violence~~, arson,
19 forcible detention, aggravated criminal sexual abuse or a
20 subsequent conviction for criminal sexual abuse.

21 (3) The delinquent minor has not previously
22 participated in a county juvenile impact incarceration
23 program and has not previously served a prior commitment
24 for an act constituting a felony in a Department of
25 Juvenile Justice juvenile correctional facility. This
26 provision shall not exclude a delinquent minor who is

1 committed to the Illinois Department of Juvenile Justice
2 and is participating in the county juvenile impact
3 incarceration program under an intergovernmental
4 cooperation agreement with the Illinois Department of
5 Juvenile Justice.

6 (4) The delinquent minor is physically able to
7 participate in strenuous physical activities or labor.

8 (5) The delinquent minor does not have a mental
9 disorder or disability that would prevent participation in
10 the county juvenile impact incarceration program.

11 (6) The delinquent minor is recommended and approved
12 for placement in the county juvenile impact incarceration
13 program in the court's dispositional order.

14 The court and the Department of Probation and Court
15 Services may also consider, among other matters, whether the
16 delinquent minor has a history of escaping or absconding,
17 whether participation in the county juvenile impact
18 incarceration program may pose a risk to the safety or
19 security of any person, and whether space is available.

20 (c) The county juvenile impact incarceration program shall
21 include, among other matters, mandatory physical training and
22 labor, military formation and drills, regimented activities,
23 uniformity of dress and appearance, education and counseling,
24 including drug counseling if appropriate, and must impart to
25 the delinquent minor principles of honor, integrity,
26 self-sufficiency, self-discipline, self-respect, and respect

1 for others.

2 (d) Privileges of delinquent minors participating in the
3 county juvenile impact incarceration program, including
4 visitation, commissary, receipt and retention of property and
5 publications, and access to television, radio, and a library,
6 may be suspended or restricted, at the discretion of the
7 Department of Probation and Court Services.

8 (e) Delinquent minors participating in the county juvenile
9 impact incarceration program shall adhere to all rules
10 promulgated by the Department of Probation and Court Services
11 and all requirements of the program. Delinquent minors shall
12 be informed of rules of behavior and conduct. Disciplinary
13 procedures required by any other law or county ordinance are
14 not applicable.

15 (f) Participation in the county juvenile impact
16 incarceration program by a minor adjudicated delinquent for an
17 act constituting a misdemeanor shall be for a period of at
18 least 7 days but less than 120 days as determined by the
19 Department of Probation and Court Services. Participation in
20 the county juvenile impact incarceration program by a minor
21 adjudicated delinquent for an act constituting a felony shall
22 be for a period of 120 to 180 days as determined by the
23 Department of Probation and Court Services.

24 (g) A delinquent minor may be removed from the program for
25 a violation of the terms or conditions of the program or if he
26 or she is for any reason unable to participate. The Department

1 of Probation and Court Services shall promulgate rules
2 governing conduct that could result in removal from the
3 program or in a determination that the delinquent minor has
4 not successfully completed the program. Delinquent minors
5 shall have access to these rules. The rules shall provide that
6 the delinquent minor shall receive notice and have the
7 opportunity to appear before and address the Department of
8 Probation and Court Services or a person appointed by the
9 Department of Probation and Court Services for this purpose. A
10 delinquent minor may be transferred to any juvenile facilities
11 prior to the hearing.

12 (h) If the Department of Probation and Court Services
13 accepts the delinquent minor in the program and determines
14 that the delinquent minor has successfully completed the
15 county juvenile impact incarceration program, the court shall
16 discharge the minor from custody upon certification to the
17 court by the Department of Probation and Court Services that
18 the delinquent minor has successfully completed the program.
19 In the event the delinquent minor is not accepted for
20 placement in the county juvenile impact incarceration program
21 or the delinquent minor does not successfully complete the
22 program, his or her commitment to the Department of Juvenile
23 Justice or juvenile detention shall be as set forth by the
24 court in its dispositional order.

25 (i) The Department of Probation and Court Services, with
26 the approval of the county board, shall have the power to enter

1 into intergovernmental cooperation agreements with the
2 Illinois Department of Juvenile Justice under which delinquent
3 minors committed to the Illinois Department of Juvenile
4 Justice may participate in the county juvenile impact
5 incarceration program. A delinquent minor who successfully
6 completes the county juvenile impact incarceration program
7 shall be discharged from custody upon certification to the
8 court by the Illinois Department of Juvenile Justice that the
9 delinquent minor has successfully completed the program.

10 (Source: P.A. 94-696, eff. 6-1-06.)

11 Section 10. The Juvenile Court Act of 1987 is amended by
12 changing Section 5-915 as follows:

13 (705 ILCS 405/5-915)

14 Sec. 5-915. Expungement of juvenile law enforcement and
15 juvenile court records.

16 (0.05) (Blank).

17 (0.1) (a) The Department of State Police and all law
18 enforcement agencies within the State shall automatically
19 expunge, on or before January 1 of each year, all juvenile law
20 enforcement records relating to events occurring before an
21 individual's 18th birthday if:

22 (1) one year or more has elapsed since the date of the
23 arrest or law enforcement interaction documented in the
24 records;

1 (2) no petition for delinquency or criminal charges
2 were filed with the clerk of the circuit court relating to
3 the arrest or law enforcement interaction documented in
4 the records; and

5 (3) 6 months have elapsed since the date of the arrest
6 without an additional subsequent arrest or filing of a
7 petition for delinquency or criminal charges whether
8 related or not to the arrest or law enforcement
9 interaction documented in the records.

10 (b) If the law enforcement agency is unable to verify
11 satisfaction of conditions (2) and (3) of this subsection
12 (0.1), records that satisfy condition (1) of this subsection
13 (0.1) shall be automatically expunged if the records relate to
14 an offense that if committed by an adult would not be an
15 offense classified as Class 2 felony or higher, an offense
16 under Article 11 of the Criminal Code of 1961 or Criminal Code
17 of 2012, or an offense under Section 12-13, 12-14, 12-14.1,
18 12-15, or 12-16 of the Criminal Code of 1961.

19 (0.15) If a juvenile law enforcement record meets
20 paragraph (a) of subsection (0.1) of this Section, a juvenile
21 law enforcement record created:

22 (1) prior to January 1, 2018, but on or after January
23 1, 2013 shall be automatically expunged prior to January
24 1, 2020;

25 (2) prior to January 1, 2013, but on or after January
26 1, 2000, shall be automatically expunged prior to January

1 1, 2023; and

2 (3) prior to January 1, 2000 shall not be subject to
3 the automatic expungement provisions of this Act.

4 Nothing in this subsection (0.15) shall be construed to
5 restrict or modify an individual's right to have his or her
6 juvenile law enforcement records expunged except as otherwise
7 may be provided in this Act.

8 (0.2) (a) Upon dismissal of a petition alleging
9 delinquency or upon a finding of not delinquent, the
10 successful termination of an order of supervision, or the
11 successful termination of an adjudication for an offense which
12 would be a Class B misdemeanor, Class C misdemeanor, or a petty
13 or business offense if committed by an adult, the court shall
14 automatically order the expungement of the juvenile court
15 records and juvenile law enforcement records. The clerk shall
16 deliver a certified copy of the expungement order to the
17 Department of State Police and the arresting agency. Upon
18 request, the State's Attorney shall furnish the name of the
19 arresting agency. The expungement shall be completed within 60
20 business days after the receipt of the expungement order.

21 (b) If the chief law enforcement officer of the agency, or
22 his or her designee, certifies in writing that certain
23 information is needed for a pending investigation involving
24 the commission of a felony, that information, and information
25 identifying the juvenile, may be retained until the statute of
26 limitations for the felony has run. If the chief law

1 enforcement officer of the agency, or his or her designee,
2 certifies in writing that certain information is needed with
3 respect to an internal investigation of any law enforcement
4 office, that information and information identifying the
5 juvenile may be retained within an intelligence file until the
6 investigation is terminated or the disciplinary action,
7 including appeals, has been completed, whichever is later.
8 Retention of a portion of a juvenile's law enforcement record
9 does not disqualify the remainder of his or her record from
10 immediate automatic expungement.

11 (0.3) (a) Upon an adjudication of delinquency based on any
12 offense except a disqualified offense, the juvenile court
13 shall automatically order the expungement of the juvenile
14 court and law enforcement records 2 years after the juvenile's
15 case was closed if no delinquency or criminal proceeding is
16 pending and the person has had no subsequent delinquency
17 adjudication or criminal conviction. The clerk shall deliver a
18 certified copy of the expungement order to the Department of
19 State Police and the arresting agency. Upon request, the
20 State's Attorney shall furnish the name of the arresting
21 agency. The expungement shall be completed within 60 business
22 days after the receipt of the expungement order. In this
23 subsection (0.3), "disqualified offense" means any of the
24 following offenses: Section 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1,
25 9-3, 9-3.2, 10-1, 10-2, 10-3, 10-3.1, 10-4, 10-5, 10-9,
26 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5,

1 12-2, 12-3.05, 12-3.3, 12-4.4a, 12-5.02, 12-6.2, 12-6.5,
2 12-7.1, 12-7.5, 12-20.5, 12-32, 12-33, 12-34, 12-34.5, 18-1,
3 18-2, 18-3, 18-4, 18-6, 19-3, 19-6, 20-1, 20-1.1, 24-1.2,
4 24-1.2-5, 24-1.5, 24-3A, 24-3B, 24-3.2, 24-3.8, 24-3.9,
5 29D-14.9, 29D-20, 30-1, 31-1a, or 32-4a, ~~or 33A-2~~ of the
6 Criminal Code of 2012, or subsection (b) of Section 8-1,
7 paragraph (4) of subsection (a) of Section 11-14.4, subsection
8 (a-5) of Section 12-3.1, paragraph (1), (2), or (3) of
9 subsection (a) of Section 12-6, subsection (a-3) or (a-5) of
10 Section 12-7.3, paragraph (1) or (2) of subsection (a) of
11 Section 12-7.4, subparagraph (i) of paragraph (1) of
12 subsection (a) of Section 12-9, subparagraph (H) of paragraph
13 (3) of subsection (a) of Section 24-1.6, paragraph (1) of
14 subsection (a) of Section 25-1, or subsection (a-7) of Section
15 31-1 of the Criminal Code of 2012.

16 (b) If the chief law enforcement officer of the agency, or
17 his or her designee, certifies in writing that certain
18 information is needed for a pending investigation involving
19 the commission of a felony, that information, and information
20 identifying the juvenile, may be retained in an intelligence
21 file until the investigation is terminated or for one
22 additional year, whichever is sooner. Retention of a portion
23 of a juvenile's juvenile law enforcement record does not
24 disqualify the remainder of his or her record from immediate
25 automatic expungement.

26 (0.4) Automatic expungement for the purposes of this

1 Section shall not require law enforcement agencies to
2 obliterate or otherwise destroy juvenile law enforcement
3 records that would otherwise need to be automatically expunged
4 under this Act, except after 2 years following the subject
5 arrest for purposes of use in civil litigation against a
6 governmental entity or its law enforcement agency or personnel
7 which created, maintained, or used the records. However, these
8 juvenile law enforcement records shall be considered expunged
9 for all other purposes during this period and the offense,
10 which the records or files concern, shall be treated as if it
11 never occurred as required under Section 5-923.

12 (0.5) Subsection (0.1) or (0.2) of this Section does not
13 apply to violations of traffic, boating, fish and game laws,
14 or county or municipal ordinances.

15 (0.6) Juvenile law enforcement records of a plaintiff who
16 has filed civil litigation against the governmental entity or
17 its law enforcement agency or personnel that created,
18 maintained, or used the records, or juvenile law enforcement
19 records that contain information related to the allegations
20 set forth in the civil litigation may not be expunged until
21 after 2 years have elapsed after the conclusion of the
22 lawsuit, including any appeal.

23 (0.7) Officer-worn body camera recordings shall not be
24 automatically expunged except as otherwise authorized by the
25 Law Enforcement Officer-Worn Body Camera Act.

26 (1) Whenever a person has been arrested, charged, or

1 adjudicated delinquent for an incident occurring before his or
2 her 18th birthday that if committed by an adult would be an
3 offense, and that person's juvenile law enforcement and
4 juvenile court records are not eligible for automatic
5 expungement under subsection (0.1), (0.2), or (0.3), the
6 person may petition the court at any time for expungement of
7 juvenile law enforcement records and juvenile court records
8 relating to the incident and, upon termination of all juvenile
9 court proceedings relating to that incident, the court shall
10 order the expungement of all records in the possession of the
11 Department of State Police, the clerk of the circuit court,
12 and law enforcement agencies relating to the incident, but
13 only in any of the following circumstances:

14 (a) the minor was arrested and no petition for
15 delinquency was filed with the clerk of the circuit court;

16 (a-5) the minor was charged with an offense and the
17 petition or petitions were dismissed without a finding of
18 delinquency;

19 (b) the minor was charged with an offense and was
20 found not delinquent of that offense;

21 (c) the minor was placed under supervision under
22 Section 5-615, and the order of supervision has since been
23 successfully terminated; or

24 (d) the minor was adjudicated for an offense which
25 would be a Class B misdemeanor, Class C misdemeanor, or a
26 petty or business offense if committed by an adult.

1 (1.5) The Department of State Police shall allow a person
2 to use the Access and Review process, established in the
3 Department of State Police, for verifying that his or her
4 juvenile law enforcement records relating to incidents
5 occurring before his or her 18th birthday eligible under this
6 Act have been expunged.

7 (1.6) (Blank).

8 (1.7) (Blank).

9 (1.8) (Blank).

10 (2) Any person whose delinquency adjudications are not
11 eligible for automatic expungement under subsection (0.3) of
12 this Section may petition the court to expunge all juvenile
13 law enforcement records relating to any incidents occurring
14 before his or her 18th birthday which did not result in
15 proceedings in criminal court and all juvenile court records
16 with respect to any adjudications except those based upon
17 first degree murder or an offense under Article 11 of the
18 Criminal Code of 2012 if the person is required to register
19 under the Sex Offender Registration Act at the time he or she
20 petitions the court for expungement; provided that: ~~(a)~~
21 ~~(blank); or (b)~~ 2 years have elapsed since all juvenile court
22 proceedings relating to him or her have been terminated and
23 his or her commitment to the Department of Juvenile Justice
24 under this Act has been terminated.

25 (2.5) If a minor is arrested and no petition for
26 delinquency is filed with the clerk of the circuit court at the

1 time the minor is released from custody, the youth officer, if
2 applicable, or other designated person from the arresting
3 agency, shall notify verbally and in writing to the minor or
4 the minor's parents or guardians that the minor shall have an
5 arrest record and shall provide the minor and the minor's
6 parents or guardians with an expungement information packet,
7 information regarding this State's expungement laws including
8 a petition to expunge juvenile law enforcement and juvenile
9 court records obtained from the clerk of the circuit court.

10 (2.6) If a minor is referred to court, then, at the time of
11 sentencing, ~~or~~ dismissal of the case, or successful completion
12 of supervision, the judge shall inform the delinquent minor of
13 his or her rights regarding expungement and the clerk of the
14 circuit court shall provide an expungement information packet
15 to the minor, written in plain language, including information
16 regarding this State's expungement laws and a petition for
17 expungement, a sample of a completed petition, expungement
18 instructions that shall include information informing the
19 minor that (i) once the case is expunged, it shall be treated
20 as if it never occurred, (ii) he or she may apply to have
21 petition fees waived, (iii) once he or she obtains an
22 expungement, he or she may not be required to disclose that he
23 or she had a juvenile law enforcement or juvenile court
24 record, and (iv) if petitioning he or she may file the petition
25 on his or her own or with the assistance of an attorney. The
26 failure of the judge to inform the delinquent minor of his or

1 her right to petition for expungement as provided by law does
2 not create a substantive right, nor is that failure grounds
3 for: (i) a reversal of an adjudication of delinquency; ~~or~~ (ii) a
4 new trial; or (iii) an appeal.

5 (2.7) (Blank).

6 (2.8) (Blank).

7 (3) (Blank).

8 (3.1) (Blank).

9 (3.2) (Blank).

10 (3.3) (Blank).

11 (4) (Blank).

12 (5) (Blank).

13 (5.5) Whether or not expunged, records eligible for
14 automatic expungement under subdivision (0.1) (a), (0.2) (a), or
15 (0.3) (a) may be treated as expunged by the individual subject
16 to the records.

17 (6) (Blank).

18 (6.5) The Department of State Police or any employee of
19 the Department shall be immune from civil or criminal
20 liability for failure to expunge any records of arrest that
21 are subject to expungement under this Section because of
22 inability to verify a record. Nothing in this Section shall
23 create Department of State Police liability or responsibility
24 for the expungement of juvenile law enforcement records it
25 does not possess.

26 (7) (Blank).

1 (7.5) (Blank).

2 (8) ~~(a) (Blank).~~ ~~(b) (Blank).~~ ~~(c)~~ The expungement of
3 juvenile law enforcement or juvenile court records under
4 subsection (0.1), (0.2), or (0.3) of this Section shall be
5 funded by appropriation by the General Assembly for that
6 purpose.

7 (9) (Blank).

8 (10) (Blank).

9 (Source: P.A. 99-835, eff. 1-1-17; 99-881, eff. 1-1-17;
10 100-201, eff. 8-18-17; 100-285, eff. 1-1-18; 100-720, eff.
11 8-3-18; 100-863, eff. 8-14-18; 100-987, eff. 7-1-19; 100-1162,
12 eff. 12-20-18; revised 7-16-19.)

13 Section 15. The Criminal Code of 2012 is amended by
14 changing Sections 10-2, 11-1.30, 11-1.40, 12-2, 12-3.05, 18-2,
15 18-4, 19-6, 21-6, 24-1.7, 33F-1, and 33G-3 and by adding
16 Section 2-3.3 as follows:

17 (720 ILCS 5/2-3.3 new)

18 Sec. 2-3.3. "Armed with a dangerous weapon".

19 (a) A person is considered "armed with a dangerous weapon"
20 when he or she carries on or about his or her person or is
21 otherwise armed with a Category I, Category II, or Category
22 III weapon. A Category I weapon is a handgun, sawed-off
23 shotgun, sawed-off rifle, any other firearm small enough to be
24 concealed upon the person, semiautomatic firearm, or machine

1 gun. A Category II weapon is any other rifle, shotgun, spring
2 gun, other firearm, stun gun or taser as defined in paragraph
3 (a) of Section 24-1 of this Code, knife with a blade of at
4 least 3 inches in length, dagger, dirk, switchblade knife,
5 stiletto, axe, hatchet, or other deadly or dangerous weapon or
6 instrument of like character. A Category III weapon is a
7 bludgeon, black-jack, slungshot, sand-bag, sand-club, metal
8 knuckles, billy, or other dangerous weapon of like character.

9 (b) As used in subsection (a), "semiautomatic firearm"
10 means a repeating firearm that utilizes a portion of the
11 energy of a firing cartridge to extract the fired cartridge
12 case and chamber the next round and that requires a separate
13 pull of the trigger to fire each cartridge.

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 2.3-3 ~~33A-1~~ of this Code;

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

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

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

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

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

1 of 18 years at the time of the commission of aggravated
2 kidnaping in violation of paragraphs (1) through (8) of
3 subsection (a) shall be sentenced under Section 5-4.5-105 of
4 the Unified Code of Corrections.

5 A person who has attained the age of 18 years at the time
6 of the commission of the offense and who is convicted of a
7 second or subsequent offense of aggravated kidnaping shall be
8 sentenced to a term of natural life imprisonment; except that
9 a sentence of natural life imprisonment shall not be imposed
10 under this Section unless the second or subsequent offense was
11 committed after conviction on the first offense. An offender
12 under the age of 18 years at the time of the commission of the
13 second or subsequent offense shall be sentenced under Section
14 5-4.5-105 of the Unified Code of Corrections.

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

17 (720 ILCS 5/11-1.30) (was 720 ILCS 5/12-14)

18 Sec. 11-1.30. Aggravated Criminal Sexual Assault.

19 (a) A person commits aggravated criminal sexual assault if
20 that person commits criminal sexual assault and any of the
21 following aggravating circumstances exist during the
22 commission of the offense or, for purposes of paragraph (7),
23 occur as part of the same course of conduct as the commission
24 of the offense:

25 (1) the person displays, threatens to use, or uses a

1 dangerous weapon, ~~other than a firearm,~~ or any other
2 object fashioned or used in a manner that leads the
3 victim, under the circumstances, reasonably to believe
4 that the object is a dangerous weapon;

5 (2) the person causes bodily harm to the victim,
6 except as provided in paragraph (10);

7 (3) the person acts in a manner that threatens or
8 endangers the life of the victim or any other person;

9 (4) the person commits the criminal sexual assault
10 during the course of committing or attempting to commit
11 any other felony;

12 (5) the victim is 60 years of age or older;

13 (6) the victim is a person with a physical disability;

14 (7) the person delivers (by injection, inhalation,
15 ingestion, transfer of possession, or any other means) any
16 controlled substance to the victim without the victim's
17 consent or by threat or deception for other than medical
18 purposes;

19 (8) (blank); ~~the person is armed with a firearm;~~

20 (9) (blank); or ~~the person personally discharges a
21 firearm during the commission of the offense; or~~

22 (10) (blank). ~~the person personally discharges a
23 firearm during the commission of the offense, and that
24 discharge proximately causes great bodily harm, permanent
25 disability, permanent disfigurement, or death to another
26 person.~~

1 (b) A person commits aggravated criminal sexual assault if
2 that person is under 17 years of age and: (i) commits an act of
3 sexual penetration with a victim who is under 9 years of age;
4 or (ii) commits an act of sexual penetration with a victim who
5 is at least 9 years of age but under 13 years of age and the
6 person uses force or threat of force to commit the act.

7 (c) A person commits aggravated criminal sexual assault if
8 that person commits an act of sexual penetration with a victim
9 who is a person with a severe or profound intellectual
10 disability.

11 (d) Sentence.

12 (1) Aggravated criminal sexual assault in violation of
13 paragraph (2), (3), (4), (5), (6), or (7) of subsection
14 (a) or in violation of subsection (b) or (c) is a Class X
15 felony. ~~A violation of subsection (a)(1) is a Class X~~
16 ~~felony for which 10 years shall be added to the term of~~
17 ~~imprisonment imposed by the court. A violation of~~
18 ~~subsection (a)(8) is a Class X felony for which 15 years~~
19 ~~shall be added to the term of imprisonment imposed by the~~
20 ~~court. A violation of subsection (a)(9) is a Class X~~
21 ~~felony for which 20 years shall be added to the term of~~
22 ~~imprisonment imposed by the court. A violation of~~
23 ~~subsection (a)(10) is a Class X felony for which 25 years~~
24 ~~or up to a term of natural life imprisonment shall be added~~
25 ~~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 criminal sexual assault in
2 violation of paragraphs (1) through (10) of subsection (a)
3 shall be sentenced under Section 5-4.5-105 of the Unified
4 Code of Corrections.

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

26 (Source: P.A. 99-69, eff. 1-1-16; 99-143, eff. 7-27-15;

1 99-642, eff. 7-28-16.)

2 (720 ILCS 5/11-1.40) (was 720 ILCS 5/12-14.1)

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

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

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

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

14 (A) (blank); ~~is armed with a firearm;~~

15 (B) (blank); ~~personally discharges a firearm~~
16 ~~during the commission of the offense;~~

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

18 (i) results in permanent disability; or

19 (ii) is life threatening; or

20 (D) delivers (by injection, inhalation, ingestion,
21 transfer of possession, or any other means) any
22 controlled substance to the victim without the
23 victim's consent or by threat or deception, for other
24 than medical purposes.

25 (b) Sentence.

1 (1) A person convicted of a violation of subsection
2 (a)(1) commits a Class X felony, for which the person
3 shall be sentenced to a term of imprisonment of not less
4 than 6 years and not more than 60 years. ~~A person convicted~~
5 ~~of a violation of subsection (a)(2)(A) commits a Class X~~
6 ~~felony for which 15 years shall be added to the term of~~
7 ~~imprisonment imposed by the court. A person convicted of a~~
8 ~~violation of subsection (a)(2)(B) commits a Class X felony~~
9 ~~for which 20 years shall be added to the term of~~
10 ~~imprisonment imposed by the court.~~ A person who has
11 attained the age of 18 years at the time of the commission
12 of the offense and who is convicted of a violation of
13 subsection (a)(2)(C) commits a Class X felony for which
14 the person shall be sentenced to a term of imprisonment of
15 not less than 50 years or up to a term of natural life
16 imprisonment. An offender under the age of 18 years at the
17 time of the commission of predatory criminal sexual
18 assault of a child in violation of subsections (a)(1) or
19 ~~(a)(2)(A), (a)(2)(B), and~~ (a)(2)(C) shall be sentenced
20 under Section 5-4.5-105 of the Unified Code of
21 Corrections.

22 (1.1) A person convicted of a violation of subsection
23 (a)(2)(D) commits a Class X felony for which the person
24 shall be sentenced to a term of imprisonment of not less
25 than 50 years and not more than 60 years. An offender under
26 the age of 18 years at the time of the commission of

1 predatory criminal sexual assault of a child in violation
2 of subsection (a)(2)(D) shall be sentenced under Section
3 5-4.5-105 of the Unified Code of Corrections.

4 (1.2) A person who has attained the age of 18 years at
5 the time of the commission of the offense and convicted of
6 predatory criminal sexual assault of a child committed
7 against 2 or more persons regardless of whether the
8 offenses occurred as the result of the same act or of
9 several related or unrelated acts shall be sentenced to a
10 term of natural life imprisonment and an offender under
11 the age of 18 years at the time of the commission of the
12 offense shall be sentenced under Section 5-4.5-105 of the
13 Unified Code of Corrections.

14 (2) A person who has attained the age of 18 years at
15 the time of the commission of the offense and who is
16 convicted of a second or subsequent offense of predatory
17 criminal sexual assault of a child, or who is convicted of
18 the offense of predatory criminal sexual assault of a
19 child after having previously been convicted of the
20 offense of criminal sexual assault or the offense of
21 aggravated criminal sexual assault, or who is convicted of
22 the offense of predatory criminal sexual assault of a
23 child after having previously been convicted under the
24 laws of this State or any other state of an offense that is
25 substantially equivalent to the offense of predatory
26 criminal sexual assault of a child, the offense of

1 aggravated criminal sexual assault or the offense of
2 criminal sexual assault, shall be sentenced to a term of
3 natural life imprisonment. The commission of the second or
4 subsequent offense is required to have been after the
5 initial conviction for this paragraph (2) to apply. An
6 offender under the age of 18 years at the time of the
7 commission of the offense covered by this paragraph (2)
8 shall be sentenced under Section 5-4.5-105 of the Unified
9 Code of Corrections.

10 (Source: P.A. 98-370, eff. 1-1-14; 98-756, eff. 7-16-14;
11 98-903, eff. 8-15-14; 99-69, eff. 1-1-16.)

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

13 Sec. 12-2. Aggravated assault.

14 (a) Offense based on location of conduct. A person commits
15 aggravated assault when he or she commits an assault against
16 an individual who is on or about a public way, public property,
17 a public place of accommodation or amusement, or a sports
18 venue, or in a church, synagogue, mosque, or other building,
19 structure, or place used for religious worship.

20 (b) Offense based on status of victim. A person commits
21 aggravated assault when, in committing an assault, he or she
22 knows the individual assaulted to be any of the following:

23 (1) A person with a physical disability or a person 60
24 years of age or older and the assault is without legal
25 justification.

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

4 (3) A park district employee upon park grounds or
5 grounds adjacent to a park or in any part of a building
6 used for park purposes.

7 (4) A community policing volunteer, private security
8 officer, or utility worker:

9 (i) performing his or her official duties;

10 (ii) assaulted to prevent performance of his or
11 her official duties; or

12 (iii) assaulted in retaliation for performing his
13 or her official duties.

14 (4.1) A peace officer, fireman, emergency management
15 worker, or emergency medical services personnel:

16 (i) performing his or her official duties;

17 (ii) assaulted to prevent performance of his or
18 her official duties; or

19 (iii) assaulted in retaliation for performing his
20 or her official duties.

21 (5) A correctional officer or probation officer:

22 (i) performing his or her official duties;

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

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

1 (6) A correctional institution employee, a county
2 juvenile detention center employee who provides direct and
3 continuous supervision of residents of a juvenile
4 detention center, including a county juvenile detention
5 center employee who supervises recreational activity for
6 residents of a juvenile detention center, or a Department
7 of Human Services employee, Department of Human Services
8 officer, or employee of a subcontractor of the Department
9 of Human Services supervising or controlling sexually
10 dangerous persons or sexually violent persons:

11 (i) performing his or her official duties;

12 (ii) assaulted to prevent performance of his or
13 her official duties; or

14 (iii) assaulted in retaliation for performing his
15 or her official duties.

16 (7) An employee of the State of Illinois, a municipal
17 corporation therein, or a political subdivision thereof,
18 performing his or her official duties.

19 (8) A transit employee performing his or her official
20 duties, or a transit passenger.

21 (9) A sports official or coach actively participating
22 in any level of athletic competition within a sports
23 venue, on an indoor playing field or outdoor playing
24 field, or within the immediate vicinity of such a facility
25 or field.

26 (10) A person authorized to serve process under

1 Section 2-202 of the Code of Civil Procedure or a special
2 process server appointed by the circuit court, while that
3 individual is in the performance of his or her duties as a
4 process server.

5 (c) Offense based on use of firearm, device, or motor
6 vehicle. A person commits aggravated assault when, in
7 committing an assault, he or she does any of the following:

8 (1) Uses a deadly weapon, an air rifle as defined in
9 Section 24.8-0.1 of this Act, or any device manufactured
10 and designed to be substantially similar in appearance to
11 a firearm, other than by discharging a firearm.

12 (2) Discharges a firearm, other than from a motor
13 vehicle.

14 (3) Discharges a firearm from a motor vehicle.

15 (4) Wears a hood, robe, or mask to conceal his or her
16 identity.

17 (5) Knowingly and without lawful justification shines
18 or flashes a laser gun sight or other laser device
19 attached to a firearm, or used in concert with a firearm,
20 so that the laser beam strikes near or in the immediate
21 vicinity of any person.

22 (6) Uses a firearm, other than by discharging the
23 firearm, against a peace officer, community policing
24 volunteer, fireman, private security officer, emergency
25 management worker, emergency medical services personnel,
26 employee of a police department, employee of a sheriff's

1 department, or traffic control municipal employee:

2 (i) performing his or her official duties;

3 (ii) assaulted to prevent performance of his or
4 her official duties; or

5 (iii) assaulted in retaliation for performing his
6 or her official duties.

7 (7) Without justification operates a motor vehicle in
8 a manner which places a person, other than a person listed
9 in subdivision (b) (4), in reasonable apprehension of being
10 struck by the moving motor vehicle.

11 (8) Without justification operates a motor vehicle in
12 a manner which places a person listed in subdivision
13 (b) (4), in reasonable apprehension of being struck by the
14 moving motor vehicle.

15 (9) Knowingly video or audio records the offense with
16 the intent to disseminate the recording.

17 (d) Sentence. Aggravated assault as defined in subdivision
18 (a), (b) (1), (b) (2), (b) (3), (b) (4), (b) (7), (b) (8), (b) (9),
19 (c) (1), (c) (4), or (c) (9) is a Class A misdemeanor, except
20 that aggravated assault as defined in subdivision (b) (4) and
21 (b) (7) is a Class 4 felony if a Category I, Category II, or
22 Category III weapon is used in the commission of the assault.
23 Aggravated assault as defined in subdivision (b) (4.1), (b) (5),
24 (b) (6), (b) (10), (c) (2), (c) (5), (c) (6), or (c) (7) is a Class
25 4 felony. Aggravated assault as defined in subdivision (c) (3)
26 or (c) (8) is a Class 3 felony.

1 (e) For the purposes of this Section, "Category I weapon",
2 "Category II weapon", and "Category III weapon" have the
3 meanings ascribed to those terms in Section 2.3-3 ~~33A-1~~ of
4 this Code.

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

6 (720 ILCS 5/12-3.05) (was 720 ILCS 5/12-4)

7 Sec. 12-3.05. Aggravated battery.

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

12 (1) Causes great bodily harm or permanent disability
13 or disfigurement.

14 (2) Causes severe and permanent disability, great
15 bodily harm, or disfigurement by means of a caustic or
16 flammable substance, a poisonous gas, a deadly biological
17 or chemical contaminant or agent, a radioactive substance,
18 or a bomb or explosive compound.

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

- 1 (i) performing his or her official duties;
2 (ii) battered to prevent performance of his or her
3 official duties; or
4 (iii) battered in retaliation for performing his
5 or her official duties.

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

9 (5) Strangles another individual.

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

15 (1) causes great bodily harm or permanent disability
16 or disfigurement to any child under the age of 13 years, or
17 to any person with a severe or profound intellectual
18 disability; or

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

22 (c) Offense based on location of conduct. A person commits
23 aggravated battery when, in committing a battery, other than
24 by the discharge of a firearm, he or she is or the person
25 battered is on or about a public way, public property, a public
26 place of accommodation or amusement, a sports venue, or a

1 domestic violence shelter, or in a church, synagogue, mosque,
2 or other building, structure, or place used for religious
3 worship.

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

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

9 (2) A person who is pregnant or has a physical
10 disability.

11 (3) A teacher or school employee upon school grounds
12 or grounds adjacent to a school or in any part of a
13 building used for school purposes.

14 (4) A peace officer, community policing volunteer,
15 fireman, private security officer, correctional
16 institution employee, or Department of Human Services
17 employee supervising or controlling sexually dangerous
18 persons or sexually violent persons:

19 (i) performing his or her official duties;

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

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

24 (5) A judge, emergency management worker, emergency
25 medical services personnel, or utility worker:

26 (i) performing his or her official duties;

1 (ii) battered to prevent performance of his or her
2 official duties; or

3 (iii) battered in retaliation for performing his
4 or her official duties.

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

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

10 (8) A taxi driver on duty.

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

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

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

22 (12) A merchant: (i) while performing his or her
23 duties, including, but not limited to, relaying directions
24 for healthcare or safety from his or her supervisor or
25 employer or relaying health or safety guidelines,
26 recommendations, regulations, or rules from a federal,

1 State, or local public health agency; and (ii) during a
2 disaster declared by the Governor, or a state of emergency
3 declared by the mayor of the municipality in which the
4 merchant is located, due to a public health emergency and
5 for a period of 6 months after such declaration.

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

9 (1) Discharges a firearm, other than a machine gun or
10 a firearm equipped with a silencer, and causes any injury
11 to another person.

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

18 (i) performing his or her official duties;

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

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

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

- 1 (i) performing his or her official duties;
2 (ii) battered to prevent performance of his or her
3 official duties; or
4 (iii) battered in retaliation for performing his
5 or her official duties.

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

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

14 (6) Discharges a machine gun or a firearm equipped
15 with a silencer, and causes any injury to a person he or
16 she knows to be a peace officer, community policing
17 volunteer, person summoned by a police officer, fireman,
18 private security officer, correctional institution
19 employee or emergency management 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 (7) Discharges a machine gun or a firearm equipped
26 with a silencer, and causes any injury to a person he or

1 she knows to be emergency medical services personnel:

2 (i) performing his or her official duties;

3 (ii) battered to prevent performance of his or her
4 official duties; or

5 (iii) battered in retaliation for performing his
6 or her official duties.

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

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

16 (1) Uses a deadly weapon other than by discharge of a
17 firearm, or uses an air rifle as defined in Section
18 24.8-0.1 of this Code.

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

21 (3) Knowingly and without lawful justification shines
22 or flashes a laser gunsight or other laser device attached
23 to a firearm, or used in concert with a firearm, so that
24 the laser beam strikes upon or against the person of
25 another.

26 (4) Knowingly video or audio records the offense with

1 the intent to disseminate the recording.

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

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

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

18 (3) Knowingly causes or attempts to cause a
19 correctional institution employee or Department of Human
20 Services employee to come into contact with blood, seminal
21 fluid, urine, or feces by throwing, tossing, or expelling
22 the fluid or material, and the person is an inmate of a
23 penal institution or is a sexually dangerous person or
24 sexually violent person in the custody of the Department
25 of Human Services.

26 (h) Sentence. Unless otherwise provided, aggravated

1 battery is a Class 3 felony.

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

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

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

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

19 Aggravated battery under subdivision (a)(5) is a Class 1
20 felony if:

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

23 (B) the person caused great bodily harm or permanent
24 disability or disfigurement to the other person while
25 committing the offense; or

26 (C) the person has been previously convicted of a

1 violation of subdivision (a)(5) under the laws of this
2 State or laws similar to subdivision (a)(5) of any other
3 state.

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

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

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

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

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

22 Aggravated battery as defined in subdivision (b)(1) is a
23 Class X felony, ~~except that:~~

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

1 ~~(2) if, during the commission of the offense, the~~
2 ~~person personally discharged a firearm, 20 years shall be~~
3 ~~added to the term of imprisonment imposed by the court;~~

4 ~~(3) 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 shall be added to the term of~~
9 ~~imprisonment imposed by the court.~~

10 (i) Definitions. In this Section:

11 "Building or other structure used to provide shelter" has
12 the meaning ascribed to "shelter" in Section 1 of the Domestic
13 Violence Shelters Act.

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

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

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

1 "Machine gun" has the meaning ascribed to it in Section
2 24-1 of this Code.

3 "Merchant" has the meaning ascribed to it in Section
4 16-0.1 of this Code.

5 "Strangle" means intentionally impeding the normal
6 breathing or circulation of the blood of an individual by
7 applying pressure on the throat or neck of that individual or
8 by blocking the nose or mouth of that individual.

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

10 (720 ILCS 5/18-2) (from Ch. 38, par. 18-2)

11 Sec. 18-2. Armed robbery.

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

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

17 ~~(2) he or she carries on or about his or her person or~~
18 ~~is otherwise armed with a firearm; or~~

19 ~~(3) he or she, during the commission of the offense,~~
20 ~~personally discharges a firearm; or~~

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

25 (b) Sentence.

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

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

11 (720 ILCS 5/18-4)

12 Sec. 18-4. Aggravated vehicular hijacking.

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

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

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

20 (3) he or she carries on or about his or her person, or
21 is otherwise armed with a dangerous weapon, ~~other than a~~
22 ~~firearm~~; or

23 (4) (blank); or ~~he or she carries on or about his or~~
24 ~~her person or is otherwise armed with a firearm; or~~

25 (5) (blank); or ~~he or she, during the commission of~~

1 ~~the offense, personally discharges a firearm; or~~

2 (6) (blank). ~~he or she, during the commission of the~~
3 ~~offense, personally discharges a firearm that proximately~~
4 ~~causes great bodily harm, permanent disability, permanent~~
5 ~~disfigurement, or death to another person.~~

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

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

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

20 Sec. 19-6. Home Invasion.

21 (a) A person who is not a peace officer acting in the line
22 of duty commits home invasion when without authority he or she
23 knowingly enters the dwelling place of another when he or she
24 knows or has reason to know that one or more persons is present
25 or he or she knowingly enters the dwelling place of another and

1 remains in the dwelling place until he or she knows or has
2 reason to know that one or more persons is present or who
3 falsely represents himself or herself, including but not
4 limited to, falsely representing himself or herself to be a
5 representative of any unit of government or a construction,
6 telecommunications, or utility company, for the purpose of
7 gaining entry to the dwelling place of another when he or she
8 knows or has reason to know that one or more persons are
9 present and

10 (1) While armed with a dangerous weapon, ~~other than a~~
11 ~~firearm,~~ uses force or threatens the imminent use of force
12 upon any person or persons within the dwelling place
13 whether or not injury occurs, or

14 (2) Intentionally causes any injury, except as
15 provided in subsection (a)(5), to any person or persons
16 within the dwelling place, or

17 (3) (Blank); or ~~While armed with a firearm uses force~~
18 ~~or threatens the imminent use of force upon any person or~~
19 ~~persons within the dwelling place whether or not injury~~
20 ~~occurs, or~~

21 (4) (Blank); or ~~Uses force or threatens the imminent~~
22 ~~use of force upon any person or persons within the~~
23 ~~dwelling place whether or not injury occurs and during the~~
24 ~~commission of the offense personally discharges a firearm,~~
25 ~~or~~

26 (5) (Blank); or ~~Personally discharges a firearm that~~

1 ~~proximately causes great bodily harm, permanent~~
2 ~~disability, permanent disfigurement, or death to another~~
3 ~~person within the dwelling place, or~~

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

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

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

24 (d) For purposes of this Section, "dwelling place of
25 another" includes a dwelling place where the defendant
26 maintains a tenancy interest but from which the defendant has

1 been barred by a divorce decree, judgment of dissolution of
2 marriage, order of protection, or other court order.

3 (Source: P.A. 96-1113, eff. 1-1-11; 96-1551, eff. 7-1-11;
4 97-1108, eff. 1-1-13; 97-1150, eff. 1-25-13.)

5 (720 ILCS 5/21-6) (from Ch. 38, par. 21-6)

6 Sec. 21-6. Unauthorized Possession or Storage of Weapons.

7 (a) Whoever possesses or stores any weapon enumerated in
8 Section 2.3-3 ~~33A-1~~ in any building or on land supported in
9 whole or in part with public funds or in any building on such
10 land without prior written permission from the chief security
11 officer for such land or building commits a Class A
12 misdemeanor.

13 (b) The chief security officer must grant any reasonable
14 request for permission under paragraph (a).

15 (Source: P.A. 89-685, eff. 6-1-97.)

16 (720 ILCS 5/24-1.7)

17 Sec. 24-1.7. Armed habitual criminal.

18 (a) A person commits the offense of being an armed
19 habitual criminal if he or she receives, sells, possesses, or
20 transfers any firearm after having been convicted a total of 2
21 or more times of any combination of the following offenses:

22 (1) a forcible felony as defined in Section 2-8 of
23 this Code that is punishable as a Class 2 felony or higher;

24 (2) unlawful use of a weapon by a felon; aggravated

1 unlawful use of a weapon; aggravated discharge of a
2 firearm; vehicular hijacking; aggravated vehicular
3 hijacking; aggravated battery of a child as described in
4 Section 12-4.3 or subdivision (b)(1) of Section 12-3.05;
5 intimidation; aggravated intimidation; gunrunning; home
6 invasion; or aggravated battery with a firearm as
7 described in Section 12-4.2 or subdivision (e)(1), (e)(2),
8 (e)(3), or (e)(4) of Section 12-3.05; or

9 (3) (blank). ~~any violation of the Illinois Controlled~~
10 ~~Substances Act or the Cannabis Control Act that is~~
11 ~~punishable as a Class 3 felony or higher.~~

12 (b) Sentence. Being an armed habitual criminal is a Class
13 X felony.

14 (Source: P.A. 96-1551, eff. 7-1-11.)

15 (720 ILCS 5/33F-1) (from Ch. 38, par. 33F-1)

16 Sec. 33F-1. Definitions. For purposes of this Article:

17 (a) "Body Armor" means any one of the following:

18 (1) A military style flak or tactical assault vest
19 which is made of Kevlar or any other similar material or
20 metal, fiberglass, plastic, and nylon plates and designed
21 to be worn over one's clothing for the intended purpose of
22 stopping not only missile fragmentation from mines,
23 grenades, mortar shells and artillery fire but also fire
24 from rifles, machine guns, and small arms.

25 (2) Soft body armor which is made of Kevlar or any

1 other similar material or metal or any other type of
2 insert and which is lightweight and pliable and which can
3 be easily concealed under a shirt.

4 (3) A military style recon/surveillance vest which is
5 made of Kevlar or any other similar material and which is
6 lightweight and designed to be worn over one's clothing.

7 (4) Protective casual clothing which is made of Kevlar
8 or any other similar material and which was originally
9 intended to be used by undercover law enforcement officers
10 or dignitaries and is designed to look like jackets,
11 coats, raincoats, quilted or three piece suit vests.

12 (b) "Dangerous weapon" means a Category I, Category II, or
13 Category III weapon as defined in Section 2.3-3 ~~33A-1~~ of this
14 Code.

15 (Source: P.A. 91-696, eff. 4-13-00.)

16 (720 ILCS 5/33G-3)

17 (Section scheduled to be repealed on June 11, 2022)

18 Sec. 33G-3. Definitions. As used in this Article:

19 (a) "Another state" means any State of the United States
20 (other than the State of Illinois), or the District of
21 Columbia, or the Commonwealth of Puerto Rico, or any territory
22 or possession of the United States, or any political
23 subdivision, or any department, agency, or instrumentality
24 thereof.

25 (b) "Enterprise" includes:

1 (1) any partnership, corporation, association,
2 business or charitable trust, or other legal entity; and

3 (2) any group of individuals or other legal entities,
4 or any combination thereof, associated in fact although
5 not itself a legal entity. An association in fact must be
6 held together by a common purpose of engaging in a course
7 of conduct, and it may be associated together for purposes
8 that are both legal and illegal. An association in fact
9 must:

10 (A) have an ongoing organization or structure,
11 either formal or informal;

12 (B) the various members of the group must function
13 as a continuing unit, even if the group changes
14 membership by gaining or losing members over time; and

15 (C) have an ascertainable structure distinct from
16 that inherent in the conduct of a pattern of predicate
17 activity.

18 As used in this Article, "enterprise" includes licit and
19 illicit enterprises.

20 (c) "Labor organization" includes any organization, labor
21 union, craft union, or any voluntary unincorporated
22 association designed to further the cause of the rights of
23 union labor that is constituted for the purpose, in whole or in
24 part, of collective bargaining or of dealing with employers
25 concerning grievances, terms or conditions of employment, or
26 apprenticeships or applications for apprenticeships, or of

1 other mutual aid or protection in connection with employment,
2 including apprenticeships or applications for apprenticeships.

3 (d) "Operation or management" means directing or carrying
4 out the enterprise's affairs and is limited to any person who
5 knowingly serves as a leader, organizer, operator, manager,
6 director, supervisor, financier, advisor, recruiter, supplier,
7 or enforcer of an enterprise in violation of this Article.

8 (e) "Predicate activity" means any act that is a Class 2
9 felony or higher and constitutes a violation or violations of
10 any of the following provisions of the laws of the State of
11 Illinois (as amended or revised as of the date the activity
12 occurred or, in the instance of a continuing offense, the date
13 that charges under this Article are filed in a particular
14 matter in the State of Illinois) or any act under the law of
15 another jurisdiction for an offense that could be charged as a
16 Class 2 felony or higher in this State:

17 (1) under the Criminal Code of 1961 or the Criminal
18 Code of 2012: 8-1.2 (solicitation of murder for hire), 9-1
19 (first degree murder), 9-3.3 (drug-induced homicide), 10-1
20 (kidnapping), 10-2 (aggravated kidnapping), 10-3.1
21 (aggravated unlawful restraint), 10-4 (forcible
22 detention), 10-5(b)(10) (child abduction), 10-9
23 (trafficking in persons, involuntary servitude, and
24 related offenses), 11-1.20 (criminal sexual assault),
25 11-1.30 (aggravated criminal sexual assault), 11-1.40
26 (predatory criminal sexual assault of a child), 11-1.60

1 (aggravated criminal sexual abuse), 11-6 (indecent
2 solicitation of a child), 11-6.5 (indecent solicitation of
3 an adult), 11-14.3(a)(2)(A) and (a)(2)(B) (promoting
4 prostitution), 11-14.4 (promoting juvenile prostitution),
5 11-18.1 (patronizing a minor engaged in prostitution;
6 patronizing a juvenile prostitute), 12-3.05 (aggravated
7 battery), 12-6.4 (criminal street gang recruitment),
8 12-6.5 (compelling organization membership of persons),
9 12-7.3 (stalking), 12-7.4 (aggravated stalking), 12-7.5
10 (cyberstalking), 12-11 or 19-6 (home invasion), 12-11.1 or
11 18-6 (vehicular invasion), 18-1 (robbery; aggravated
12 robbery), 18-2 (armed robbery), 18-3 (vehicular
13 hijacking), 18-4 (aggravated vehicular hijacking), 18-5
14 (aggravated robbery), 19-1 (burglary), 19-3 (residential
15 burglary), 20-1 (arson; residential arson; place of
16 worship arson), 20-1.1 (aggravated arson), 20-1.2
17 (residential arson), 20-1.3 (place of worship arson),
18 24-1.2 (aggravated discharge of a firearm), 24-1.2-5
19 (aggravated discharge of a machine gun or silencer
20 equipped firearm), 24-1.8 (unlawful possession of a
21 firearm by a street gang member), 24-3.2 (unlawful
22 discharge of firearm projectiles), 24-3.9 (aggravated
23 possession of a stolen firearm), 24-3A (gunrunning), 26-5
24 or 48-1 (dog-fighting), 29D-14.9 (terrorism), 29D-15
25 (soliciting support for terrorism), 29D-15.1 (causing a
26 catastrophe), 29D-15.2 (possession of a deadly substance),

1 29D-20 (making a terrorist threat), 29D-25 (falsely making
2 a terrorist threat), 29D-29.9 (material support for
3 terrorism), 29D-35 (hindering prosecution of terrorism),
4 or 31A-1.2 (unauthorized contraband in a penal
5 institution), ~~or 33A-3 (armed violence);~~

6 (2) under the Cannabis Control Act: Sections 5
7 (manufacture or delivery of cannabis), 5.1 (cannabis
8 trafficking), or 8 (production or possession of cannabis
9 plants), provided the offense either involves more than
10 500 grams of any substance containing cannabis or involves
11 more than 50 cannabis sativa plants;

12 (3) under the Illinois Controlled Substances Act:
13 Sections 401 (manufacture or delivery of a controlled
14 substance), 401.1 (controlled substance trafficking), 405
15 (calculated criminal drug conspiracy), or 405.2 (street
16 gang criminal drug conspiracy); or

17 (4) under the Methamphetamine Control and Community
18 Protection Act: Sections 15 (methamphetamine
19 manufacturing), or 55 (methamphetamine delivery).

20 (f) "Pattern of predicate activity" means:

21 (1) at least 3 occurrences of predicate activity that
22 are in some way related to each other and that have
23 continuity between them, and that are separate acts. Acts
24 are related to each other if they are not isolated events,
25 including if they have similar purposes, or results, or
26 participants, or victims, or are committed a similar way,

1 or have other similar distinguishing characteristics, or
2 are part of the affairs of the same enterprise. There is
3 continuity between acts if they are ongoing over a
4 substantial period, or if they are part of the regular way
5 some entity does business or conducts its affairs; and

6 (2) which occurs after the effective date of this
7 Article, and the last of which falls within 3 years
8 (excluding any period of imprisonment) after the first
9 occurrence of predicate activity.

10 (g) "Unlawful death" includes the following offenses:
11 under the Code of 1961 or the Criminal Code of 2012: Sections
12 9-1 (first degree murder) or 9-2 (second degree murder).

13 (Source: P.A. 97-686, eff. 6-11-12; 97-1150, eff. 1-25-13.)

14 (720 ILCS 5/Art. 33A rep.)

15 Section 20. The Criminal Code of 2012 is amended by
16 repealing Article 33A.

17 Section 25. The Code of Criminal Procedure of 1963 is
18 amended by changing Section 115-10.3 as follows:

19 (725 ILCS 5/115-10.3)

20 Sec. 115-10.3. Hearsay exception regarding elder adults.

21 (a) In a prosecution for a physical act, abuse, neglect,
22 or financial exploitation perpetrated upon or against an
23 eligible adult, as defined in the Adult Protective Services

1 Act, who has been diagnosed by a physician to suffer from (i)
2 any form of dementia, developmental disability, or other form
3 of mental incapacity or (ii) any physical infirmity, including
4 but not limited to prosecutions for violations of Sections
5 10-1, 10-2, 10-3, 10-3.1, 10-4, 11-1.20, 11-1.30, 11-1.40,
6 11-1.50, 11-1.60, 11-11, 12-1, 12-2, 12-3, 12-3.05, 12-3.2,
7 12-3.3, 12-4, 12-4.1, 12-4.2, 12-4.5, 12-4.6, 12-4.7, 12-5,
8 12-6, 12-7.3, 12-7.4, 12-11, 12-11.1, 12-13, 12-14, 12-15,
9 12-16, 12-21, 16-1, 16-1.3, 17-1, 17-3, 17-56, 18-1, 18-2,
10 18-3, 18-4, 18-5, 18-6, 19-6, 20-1.1, or 24-1.2, ~~and 33A-2~~, or
11 subsection (b) of Section 12-4.4a of the Criminal Code of
12 2012, the following evidence shall be admitted as an exception
13 to the hearsay rule:

14 (1) testimony by an eligible adult, of an out of court
15 statement made by the eligible adult, that he or she
16 complained of such act to another; and

17 (2) testimony of an out of court statement made by the
18 eligible adult, describing any complaint of such act or
19 matter or detail pertaining to any act which is an element
20 of an offense which is the subject of a prosecution for a
21 physical act, abuse, neglect, or financial exploitation
22 perpetrated upon or against the eligible adult.

23 (b) Such testimony shall only be admitted if:

24 (1) The court finds in a hearing conducted outside the
25 presence of the jury that the time, content, and
26 circumstances of the statement provide sufficient

1 safeguards of reliability; and

2 (2) The eligible adult either:

3 (A) testifies at the proceeding; or

4 (B) is unavailable as a witness and there is
5 corroborative evidence of the act which is the subject
6 of the statement.

7 (c) If a statement is admitted pursuant to this Section,
8 the court shall instruct the jury that it is for the jury to
9 determine the weight and credibility to be given the statement
10 and that, in making the determination, it shall consider the
11 condition of the eligible adult, the nature of the statement,
12 the circumstances under which the statement was made, and any
13 other relevant factor.

14 (d) The proponent of the statement shall give the adverse
15 party reasonable notice of his or her intention to offer the
16 statement and the particulars of the statement.

17 (Source: P.A. 97-1108, eff. 1-1-13; 97-1109, eff. 1-1-13;
18 97-1150, eff. 1-25-13; 98-49, eff. 7-1-13.)

19 Section 30. The Unified Code of Corrections is amended by
20 changing Sections 3-2-2, 5-4.5-110, 5-8-1, 5-8-1.1, 5-8-1.2,
21 and 5-8-1.3 as follows:

22 (730 ILCS 5/3-2-2) (from Ch. 38, par. 1003-2-2)

23 Sec. 3-2-2. Powers and duties of the Department.

24 (1) In addition to the powers, duties, and

1 responsibilities which are otherwise provided by law, the
2 Department shall have the following powers:

3 (a) To accept persons committed to it by the courts of
4 this State for care, custody, treatment and
5 rehabilitation, and to accept federal prisoners and aliens
6 over whom the Office of the Federal Detention Trustee is
7 authorized to exercise the federal detention function for
8 limited purposes and periods of time.

9 (b) To develop and maintain reception and evaluation
10 units for purposes of analyzing the custody and
11 rehabilitation needs of persons committed to it and to
12 assign such persons to institutions and programs under its
13 control or transfer them to other appropriate agencies. In
14 consultation with the Department of Alcoholism and
15 Substance Abuse (now the Department of Human Services),
16 the Department of Corrections shall develop a master plan
17 for the screening and evaluation of persons committed to
18 its custody who have alcohol or drug abuse problems, and
19 for making appropriate treatment available to such
20 persons; the Department shall report to the General
21 Assembly on such plan not later than April 1, 1987. The
22 maintenance and implementation of such plan shall be
23 contingent upon the availability of funds.

24 (b-1) To create and implement, on January 1, 2002, a
25 pilot program to establish the effectiveness of
26 pupillometer technology (the measurement of the pupil's

1 reaction to light) as an alternative to a urine test for
2 purposes of screening and evaluating persons committed to
3 its custody who have alcohol or drug problems. The pilot
4 program shall require the pupillometer technology to be
5 used in at least one Department of Corrections facility.
6 The Director may expand the pilot program to include an
7 additional facility or facilities as he or she deems
8 appropriate. A minimum of 4,000 tests shall be included in
9 the pilot program. The Department must report to the
10 General Assembly on the effectiveness of the program by
11 January 1, 2003.

12 (b-5) To develop, in consultation with the Department
13 of State Police, a program for tracking and evaluating
14 each inmate from commitment through release for recording
15 his or her gang affiliations, activities, or ranks.

16 (c) To maintain and administer all State correctional
17 institutions and facilities under its control and to
18 establish new ones as needed. Pursuant to its power to
19 establish new institutions and facilities, the Department
20 may, with the written approval of the Governor, authorize
21 the Department of Central Management Services to enter
22 into an agreement of the type described in subsection (d)
23 of Section 405-300 of the Department of Central Management
24 Services Law ~~(20 ILCS 405/405-300)~~. The Department shall
25 designate those institutions which shall constitute the
26 State Penitentiary System.

1 Pursuant to its power to establish new institutions
2 and facilities, the Department may authorize the
3 Department of Central Management Services to accept bids
4 from counties and municipalities for the construction,
5 remodeling or conversion of a structure to be leased to
6 the Department of Corrections for the purposes of its
7 serving as a correctional institution or facility. Such
8 construction, remodeling or conversion may be financed
9 with revenue bonds issued pursuant to the Industrial
10 Building Revenue Bond Act by the municipality or county.
11 The lease specified in a bid shall be for a term of not
12 less than the time needed to retire any revenue bonds used
13 to finance the project, but not to exceed 40 years. The
14 lease may grant to the State the option to purchase the
15 structure outright.

16 Upon receipt of the bids, the Department may certify
17 one or more of the bids and shall submit any such bids to
18 the General Assembly for approval. Upon approval of a bid
19 by a constitutional majority of both houses of the General
20 Assembly, pursuant to joint resolution, the Department of
21 Central Management Services may enter into an agreement
22 with the county or municipality pursuant to such bid.

23 (c-5) To build and maintain regional juvenile
24 detention centers and to charge a per diem to the counties
25 as established by the Department to defray the costs of
26 housing each minor in a center. In this subsection (c-5),

1 "juvenile detention center" means a facility to house
2 minors during pendency of trial who have been transferred
3 from proceedings under the Juvenile Court Act of 1987 to
4 prosecutions under the criminal laws of this State in
5 accordance with Section 5-805 of the Juvenile Court Act of
6 1987, whether the transfer was by operation of law or
7 permissive under that Section. The Department shall
8 designate the counties to be served by each regional
9 juvenile detention center.

10 (d) To develop and maintain programs of control,
11 rehabilitation and employment of committed persons within
12 its institutions.

13 (d-5) To provide a pre-release job preparation program
14 for inmates at Illinois adult correctional centers.

15 (d-10) To provide educational and visitation
16 opportunities to committed persons within its institutions
17 through temporary access to content-controlled tablets
18 that may be provided as a privilege to committed persons
19 to induce or reward compliance.

20 (e) To establish a system of supervision and guidance
21 of committed persons in the community.

22 (f) To establish in cooperation with the Department of
23 Transportation to supply a sufficient number of prisoners
24 for use by the Department of Transportation to clean up
25 the trash and garbage along State, county, township, or
26 municipal highways as designated by the Department of

1 Transportation. The Department of Corrections, at the
2 request of the Department of Transportation, shall furnish
3 such prisoners at least annually for a period to be agreed
4 upon between the Director of Corrections and the Secretary
5 of Transportation. The prisoners used on this program
6 shall be selected by the Director of Corrections on
7 whatever basis he deems proper in consideration of their
8 term, behavior and earned eligibility to participate in
9 such program - where they will be outside of the prison
10 facility but still in the custody of the Department of
11 Corrections. Prisoners convicted of first degree murder,
12 or a Class X felony, ~~or armed violence,~~ or aggravated
13 kidnapping, or criminal sexual assault, aggravated
14 criminal sexual abuse or a subsequent conviction for
15 criminal sexual abuse, or forcible detention, or arson, or
16 a prisoner adjudged a Habitual Criminal shall not be
17 eligible for selection to participate in such program. The
18 prisoners shall remain as prisoners in the custody of the
19 Department of Corrections and such Department shall
20 furnish whatever security is necessary. The Department of
21 Transportation shall furnish trucks and equipment for the
22 highway cleanup program and personnel to supervise and
23 direct the program. Neither the Department of Corrections
24 nor the Department of Transportation shall replace any
25 regular employee with a prisoner.

26 (g) To maintain records of persons committed to it and

1 to establish programs of research, statistics and
2 planning.

3 (h) To investigate the grievances of any person
4 committed to the Department and to inquire into any
5 alleged misconduct by employees or committed persons; and
6 for these purposes it may issue subpoenas and compel the
7 attendance of witnesses and the production of writings and
8 papers, and may examine under oath any witnesses who may
9 appear before it; to also investigate alleged violations
10 of a parolee's or releasee's conditions of parole or
11 release; and for this purpose it may issue subpoenas and
12 compel the attendance of witnesses and the production of
13 documents only if there is reason to believe that such
14 procedures would provide evidence that such violations
15 have occurred.

16 If any person fails to obey a subpoena issued under
17 this subsection, the Director may apply to any circuit
18 court to secure compliance with the subpoena. The failure
19 to comply with the order of the court issued in response
20 thereto shall be punishable as contempt of court.

21 (i) To appoint and remove the chief administrative
22 officers, and administer programs of training and
23 development of personnel of the Department. Personnel
24 assigned by the Department to be responsible for the
25 custody and control of committed persons or to investigate
26 the alleged misconduct of committed persons or employees

1 or alleged violations of a parolee's or releasee's
2 conditions of parole shall be conservators of the peace
3 for those purposes, and shall have the full power of peace
4 officers outside of the facilities of the Department in
5 the protection, arrest, retaking and reconfining of
6 committed persons or where the exercise of such power is
7 necessary to the investigation of such misconduct or
8 violations. This subsection shall not apply to persons
9 committed to the Department of Juvenile Justice under the
10 Juvenile Court Act of 1987 on aftercare release.

11 (j) To cooperate with other departments and agencies
12 and with local communities for the development of
13 standards and programs for better correctional services in
14 this State.

15 (k) To administer all moneys and properties of the
16 Department.

17 (l) To report annually to the Governor on the
18 committed persons, institutions and programs of the
19 Department.

20 (1-5) (Blank).

21 (m) To make all rules and regulations and exercise all
22 powers and duties vested by law in the Department.

23 (n) To establish rules and regulations for
24 administering a system of sentence credits, established in
25 accordance with Section 3-6-3, subject to review by the
26 Prisoner Review Board.

1 (o) To administer the distribution of funds from the
2 State Treasury to reimburse counties where State penal
3 institutions are located for the payment of assistant
4 state's attorneys' salaries under Section 4-2001 of the
5 Counties Code.

6 (p) To exchange information with the Department of
7 Human Services and the Department of Healthcare and Family
8 Services for the purpose of verifying living arrangements
9 and for other purposes directly connected with the
10 administration of this Code and the Illinois Public Aid
11 Code.

12 (q) To establish a diversion program.

13 The program shall provide a structured environment for
14 selected technical parole or mandatory supervised release
15 violators and committed persons who have violated the
16 rules governing their conduct while in work release. This
17 program shall not apply to those persons who have
18 committed a new offense while serving on parole or
19 mandatory supervised release or while committed to work
20 release.

21 Elements of the program shall include, but shall not
22 be limited to, the following:

23 (1) The staff of a diversion facility shall
24 provide supervision in accordance with required
25 objectives set by the facility.

26 (2) Participants shall be required to maintain

1 employment.

2 (3) Each participant shall pay for room and board
3 at the facility on a sliding-scale basis according to
4 the participant's income.

5 (4) Each participant shall:

6 (A) provide restitution to victims in
7 accordance with any court order;

8 (B) provide financial support to his
9 dependents; and

10 (C) make appropriate payments toward any other
11 court-ordered obligations.

12 (5) Each participant shall complete community
13 service in addition to employment.

14 (6) Participants shall take part in such
15 counseling, educational and other programs as the
16 Department may deem appropriate.

17 (7) Participants shall submit to drug and alcohol
18 screening.

19 (8) The Department shall promulgate rules
20 governing the administration of the program.

21 (r) To enter into intergovernmental cooperation
22 agreements under which persons in the custody of the
23 Department may participate in a county impact
24 incarceration program established under Section 3-6038 or
25 3-15003.5 of the Counties Code.

26 (r-5) (Blank).

1 (r-10) To systematically and routinely identify with
2 respect to each streetgang active within the correctional
3 system: (1) each active gang; (2) every existing
4 inter-gang affiliation or alliance; and (3) the current
5 leaders in each gang. The Department shall promptly
6 segregate leaders from inmates who belong to their gangs
7 and allied gangs. "Segregate" means no physical contact
8 and, to the extent possible under the conditions and space
9 available at the correctional facility, prohibition of
10 visual and sound communication. For the purposes of this
11 paragraph (r-10), "leaders" means persons who:

12 (i) are members of a criminal streetgang;

13 (ii) with respect to other individuals within the
14 streetgang, occupy a position of organizer,
15 supervisor, or other position of management or
16 leadership; and

17 (iii) are actively and personally engaged in
18 directing, ordering, authorizing, or requesting
19 commission of criminal acts by others, which are
20 punishable as a felony, in furtherance of streetgang
21 related activity both within and outside of the
22 Department of Corrections.

23 "Streetgang", "gang", and "streetgang related" have the
24 meanings ascribed to them in Section 10 of the Illinois
25 Streetgang Terrorism Omnibus Prevention Act.

26 (s) To operate a super-maximum security institution,

1 in order to manage and supervise inmates who are
2 disruptive or dangerous and provide for the safety and
3 security of the staff and the other inmates.

4 (t) To monitor any unprivileged conversation or any
5 unprivileged communication, whether in person or by mail,
6 telephone, or other means, between an inmate who, before
7 commitment to the Department, was a member of an organized
8 gang and any other person without the need to show cause or
9 satisfy any other requirement of law before beginning the
10 monitoring, except as constitutionally required. The
11 monitoring may be by video, voice, or other method of
12 recording or by any other means. As used in this
13 subdivision (1)(t), "organized gang" has the meaning
14 ascribed to it in Section 10 of the Illinois Streetgang
15 Terrorism Omnibus Prevention Act.

16 As used in this subdivision (1)(t), "unprivileged
17 conversation" or "unprivileged communication" means a
18 conversation or communication that is not protected by any
19 privilege recognized by law or by decision, rule, or order
20 of the Illinois Supreme Court.

21 (u) To establish a Women's and Children's Pre-release
22 Community Supervision Program for the purpose of providing
23 housing and services to eligible female inmates, as
24 determined by the Department, and their newborn and young
25 children.

26 (u-5) To issue an order, whenever a person committed

1 to the Department absconds or absents himself or herself,
2 without authority to do so, from any facility or program
3 to which he or she is assigned. The order shall be
4 certified by the Director, the Supervisor of the
5 Apprehension Unit, or any person duly designated by the
6 Director, with the seal of the Department affixed. The
7 order shall be directed to all sheriffs, coroners, and
8 police officers, or to any particular person named in the
9 order. Any order issued pursuant to this subdivision (1)
10 (u-5) shall be sufficient warrant for the officer or
11 person named in the order to arrest and deliver the
12 committed person to the proper correctional officials and
13 shall be executed the same as criminal process.

14 (v) To do all other acts necessary to carry out the
15 provisions of this Chapter.

16 (2) The Department of Corrections shall by January 1,
17 1998, consider building and operating a correctional facility
18 within 100 miles of a county of over 2,000,000 inhabitants,
19 especially a facility designed to house juvenile participants
20 in the impact incarceration program.

21 (3) When the Department lets bids for contracts for
22 medical services to be provided to persons committed to
23 Department facilities by a health maintenance organization,
24 medical service corporation, or other health care provider,
25 the bid may only be let to a health care provider that has
26 obtained an irrevocable letter of credit or performance bond

1 issued by a company whose bonds have an investment grade or
2 higher rating by a bond rating organization.

3 (4) When the Department lets bids for contracts for food
4 or commissary services to be provided to Department
5 facilities, the bid may only be let to a food or commissary
6 services provider that has obtained an irrevocable letter of
7 credit or performance bond issued by a company whose bonds
8 have an investment grade or higher rating by a bond rating
9 organization.

10 (5) On and after the date 6 months after August 16, 2013
11 (the effective date of Public Act 98-488), as provided in the
12 Executive Order 1 (2012) Implementation Act, all of the
13 powers, duties, rights, and responsibilities related to State
14 healthcare purchasing under this Code that were transferred
15 from the Department of Corrections to the Department of
16 Healthcare and Family Services by Executive Order 3 (2005) are
17 transferred back to the Department of Corrections; however,
18 powers, duties, rights, and responsibilities related to State
19 healthcare purchasing under this Code that were exercised by
20 the Department of Corrections before the effective date of
21 Executive Order 3 (2005) but that pertain to individuals
22 resident in facilities operated by the Department of Juvenile
23 Justice are transferred to the Department of Juvenile Justice.
24 (Source: P.A. 100-198, eff. 1-1-18; 100-863, eff. 8-14-18;
25 101-235, eff. 1-1-20.)

1 (730 ILCS 5/5-4.5-110)

2 (Section scheduled to be repealed on January 1, 2023)

3 Sec. 5-4.5-110. SENTENCING GUIDELINES FOR INDIVIDUALS WITH
4 PRIOR FELONY FIREARM-RELATED OR OTHER SPECIFIED CONVICTIONS.

5 (a) DEFINITIONS. For the purposes of this Section:

6 "Firearm" has the meaning ascribed to it in Section
7 1.1 of the Firearm Owners Identification Card Act.

8 "Qualifying predicate offense" means the following
9 offenses under the Criminal Code of 2012:

10 (A) aggravated unlawful use of a weapon under
11 Section 24-1.6 or similar offense under the Criminal
12 Code of 1961, when the weapon is a firearm;

13 (B) unlawful use or possession of a weapon by a
14 felon under Section 24-1.1 or similar offense under
15 the Criminal Code of 1961, when the weapon is a
16 firearm;

17 (C) first degree murder under Section 9-1 or
18 similar offense under the Criminal Code of 1961;

19 (D) attempted first degree murder with a firearm
20 or similar offense under the Criminal Code of 1961;

21 (E) aggravated kidnapping with a firearm under
22 paragraph (6) or (7) of subsection (a) of Section 10-2
23 or similar offense under the Criminal Code of 1961;

24 (F) aggravated battery with a firearm under
25 subsection (e) of Section 12-3.05 or similar offense
26 under the Criminal Code of 1961;

1 (G) aggravated criminal sexual assault under
2 Section 11-1.30 or similar offense under the Criminal
3 Code of 1961;

4 (H) predatory criminal sexual assault of a child
5 under Section 11-1.40 or similar offense under the
6 Criminal Code of 1961;

7 (I) armed robbery under Section 18-2 or similar
8 offense under the Criminal Code of 1961;

9 (J) vehicular hijacking under Section 18-3 or
10 similar offense under the Criminal Code of 1961;

11 (K) aggravated vehicular hijacking under Section
12 18-4 or similar offense under the Criminal Code of
13 1961;

14 (L) home invasion with a firearm under paragraph
15 (3), (4), or (5) of subsection (a) of Section 19-6 or
16 similar offense under the Criminal Code of 1961;

17 (M) aggravated discharge of a firearm under
18 Section 24-1.2 or similar offense under the Criminal
19 Code of 1961;

20 (N) aggravated discharge of a machine gun or a
21 firearm equipped with a device designed or used for
22 silencing the report of a firearm under Section
23 24-1.2-5 or similar offense under the Criminal Code of
24 1961;

25 (O) unlawful use of firearm projectiles under
26 Section 24-2.1 or similar offense under the Criminal

1 Code of 1961;

2 (P) manufacture, sale, or transfer of bullets or
3 shells represented to be armor piercing bullets,
4 dragon's breath shotgun shells, bolo shells, or
5 flechette shells under Section 24-2.2 or similar
6 offense under the Criminal Code of 1961;

7 (Q) unlawful sale or delivery of firearms under
8 Section 24-3 or similar offense under the Criminal
9 Code of 1961;

10 (R) unlawful discharge of firearm projectiles
11 under Section 24-3.2 or similar offense under the
12 Criminal Code of 1961;

13 (S) unlawful sale or delivery of firearms on
14 school premises of any school under Section 24-3.3 or
15 similar offense under the Criminal Code of 1961;

16 (T) unlawful purchase of a firearm under Section
17 24-3.5 or similar offense under the Criminal Code of
18 1961;

19 (U) use of a stolen firearm in the commission of an
20 offense under Section 24-3.7 or similar offense under
21 the Criminal Code of 1961;

22 (V) possession of a stolen firearm under Section
23 24-3.8 or similar offense under the Criminal Code of
24 1961;

25 (W) aggravated possession of a stolen firearm
26 under Section 24-3.9 or similar offense under the

1 Criminal Code of 1961;

2 (X) gunrunning under Section 24-3A or similar
3 offense under the Criminal Code of 1961;

4 (Y) defacing identification marks of firearms
5 under Section 24-5 or similar offense under the
6 Criminal Code of 1961; and

7 (Z) (blank). ~~armed violence under Section 33A-2 or~~
8 ~~similar offense under the Criminal Code of 1961.~~

9 (b) APPLICABILITY. For an offense committed on or after
10 the effective date of this amendatory Act of the 100th General
11 Assembly and before January 1, 2023, when a person is
12 convicted of unlawful use or possession of a weapon by a felon,
13 when the weapon is a firearm, or aggravated unlawful use of a
14 weapon, when the weapon is a firearm, after being previously
15 convicted of a qualifying predicate offense the person shall
16 be subject to the sentencing guidelines under this Section.

17 (c) SENTENCING GUIDELINES.

18 (1) When a person is convicted of unlawful use or
19 possession of a weapon by a felon, when the weapon is a
20 firearm, and that person has been previously convicted of
21 a qualifying predicate offense, the person shall be
22 sentenced to a term of imprisonment within the sentencing
23 range of not less than 7 years and not more than 14 years,
24 unless the court finds that a departure from the
25 sentencing guidelines under this paragraph is warranted
26 under subsection (d) of this Section.

1 (2) When a person is convicted of aggravated unlawful
2 use of a weapon, when the weapon is a firearm, and that
3 person has been previously convicted of a qualifying
4 predicate offense, the person shall be sentenced to a term
5 of imprisonment within the sentencing range of not less
6 than 6 years and not more than 7 years, unless the court
7 finds that a departure from the sentencing guidelines
8 under this paragraph is warranted under subsection (d) of
9 this Section.

10 (3) The sentencing guidelines in paragraphs (1) and
11 (2) of this subsection (c) apply only to offenses
12 committed on and after the effective date of this
13 amendatory Act of the 100th General Assembly and before
14 January 1, 2023.

15 (d) DEPARTURE FROM SENTENCING GUIDELINES.

16 (1) At the sentencing hearing conducted under Section
17 5-4-1 of this Code, the court may depart from the
18 sentencing guidelines provided in subsection (c) of this
19 Section and impose a sentence otherwise authorized by law
20 for the offense if the court, after considering any factor
21 under paragraph (2) of this subsection (d) relevant to the
22 nature and circumstances of the crime and to the history
23 and character of the defendant, finds on the record
24 substantial and compelling justification that the sentence
25 within the sentencing guidelines would be unduly harsh and
26 that a sentence otherwise authorized by law would be

1 consistent with public safety and does not deprecate the
2 seriousness of the offense.

3 (2) In deciding whether to depart from the sentencing
4 guidelines under this paragraph, the court shall consider:

5 (A) the age, immaturity, or limited mental
6 capacity of the defendant at the time of commission of
7 the qualifying predicate or current offense, including
8 whether the defendant was suffering from a mental or
9 physical condition insufficient to constitute a
10 defense but significantly reduced the defendant's
11 culpability;

12 (B) the nature and circumstances of the qualifying
13 predicate offense;

14 (C) the time elapsed since the qualifying
15 predicate offense;

16 (D) the nature and circumstances of the current
17 offense;

18 (E) the defendant's prior criminal history;

19 (F) whether the defendant committed the qualifying
20 predicate or current offense under specific and
21 credible duress, coercion, threat, or compulsion;

22 (G) whether the defendant aided in the
23 apprehension of another felon or testified truthfully
24 on behalf of another prosecution of a felony; and

25 (H) whether departure is in the interest of the
26 person's rehabilitation, including employment or

1 educational or vocational training, after taking into
2 account any past rehabilitation efforts or
3 dispositions of probation or supervision, and the
4 defendant's cooperation or response to rehabilitation.

5 (3) When departing from the sentencing guidelines
6 under this Section, the court shall specify on the record,
7 the particular evidence, information, factor or factors,
8 or other reasons which led to the departure from the
9 sentencing guidelines. When departing from the sentencing
10 range in accordance with this subsection (d), the court
11 shall indicate on the sentencing order which departure
12 factor or factors outlined in paragraph (2) of this
13 subsection (d) led to the sentence imposed. The sentencing
14 order shall be filed with the clerk of the court and shall
15 be a public record.

16 (e) This Section is repealed on January 1, 2023.

17 (Source: P.A. 100-3, eff. 1-1-18.)

18 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

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

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

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

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

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

19 (ii) is found guilty of murdering more than
20 one victim, or

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

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

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

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

1 technician - ambulance, emergency medical
2 technician - intermediate, emergency medical
3 technician - paramedic, ambulance driver, or other
4 medical assistant or first aid personnel, or

5 (vi) (blank), or

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

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

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

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

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

8 (2) (blank);

9 (2.5) for a person who has attained the age of 18 years
10 at the time of the commission of the offense and who is
11 convicted under the circumstances described in subdivision
12 (b)(1)(B) of Section 11-1.20 or paragraph (3) of
13 subsection (b) of Section 12-13, subdivision (d)(2) of
14 Section 11-1.30 or paragraph (2) of subsection (d) of
15 Section 12-14, subdivision (b)(1.2) of Section 11-1.40 or
16 paragraph (1.2) of subsection (b) of Section 12-14.1,
17 subdivision (b)(2) of Section 11-1.40 or paragraph (2) of
18 subsection (b) of Section 12-14.1 of the Criminal Code of
19 1961 or the Criminal Code of 2012, the sentence shall be a
20 term of natural life imprisonment.

21 (b) (Blank).

22 (c) (Blank).

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

1 (1) for first degree murder ~~or a Class X felony except~~
2 ~~for the offenses of predatory criminal sexual assault of a~~
3 ~~child, aggravated criminal sexual assault, and criminal~~
4 ~~sexual assault if committed on or after the effective date~~
5 ~~of this amendatory Act of the 94th General Assembly and~~
6 ~~except for the offense of aggravated child pornography~~
7 ~~under Section 11-20.1B, 11-20.3, or 11-20.1 with~~
8 ~~sentencing under subsection (c-5) of Section 11-20.1 of~~
9 ~~the Criminal Code of 1961 or the Criminal Code of 2012, if~~
10 ~~committed on or after January 1, 2009, 3 years;~~

11 (1.5) for a Class X felony except for the offenses of
12 predatory criminal sexual assault of a child, aggravated
13 criminal sexual assault, and criminal sexual assault if
14 committed on or after December 13, 2005 (the effective
15 date of Public Act 94-715) and except for the offense of
16 aggravated child pornography under Section 11-20.1B.
17 11-20.3, or 11-20.1 with sentencing under subsection (c-5)
18 of Section 11-20.1 of the Criminal Code of 1961 or the
19 Criminal Code of 2012, if committed on or after January 1,
20 2009, 18 months;

21 (2) for a Class 1 felony or a Class 2 felony except for
22 the offense of criminal sexual assault if committed on or
23 after December 13, 2005 (the effective date of Public Act
24 94-715) this amendatory Act of the 94th General Assembly
25 and except for the offenses of manufacture and
26 dissemination of child pornography under clauses (a)(1)

1 and (a) (2) of Section 11-20.1 of the Criminal Code of 1961
2 or the Criminal Code of 2012, if committed on or after
3 January 1, 2009, 12 months ~~2 years~~;

4 (3) except as provided in paragraph (4) or paragraph
5 (6) of this subsection (d), a mandatory supervised release
6 term shall not be imposed for a Class 3 felony or a Class 4
7 felony unless:

8 (A) the Prisoner Review Board, based on a
9 validated risk and needs assessment, determines it is
10 necessary for an offender to serve a mandatory
11 supervised release term; and

12 (B) if the Prisoner Review Board determines a
13 mandatory supervised release term is necessary
14 pursuant to subparagraph (A) of this paragraph (3),
15 the Prisoner Review Board shall specify the maximum
16 number of months of mandatory supervised release the
17 offender may serve, limited to a term of:

18 (i) 12 months for a Class 3 felony; and

19 (ii) 6 months for a Class 4 felony; ~~for a Class~~
20 ~~3 felony or a Class 4 felony, 1 year;~~

21 (4) for defendants who commit the offense of predatory
22 criminal sexual assault of a child, aggravated criminal
23 sexual assault, or criminal sexual assault, on or after
24 the effective date of this amendatory Act of the 94th
25 General Assembly, or who commit the offense of aggravated
26 child pornography under Section 11-20.1B, 11-20.3, or

1 11-20.1 with sentencing under subsection (c-5) of Section
2 11-20.1 of the Criminal Code of 1961 or the Criminal Code
3 of 2012, manufacture of child pornography, or
4 dissemination of child pornography after January 1, 2009,
5 the term of mandatory supervised release shall range from
6 a minimum of 3 years to a maximum of the natural life of
7 the defendant;

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

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

17 (e) (Blank).

18 (f) (Blank).

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

21 (730 ILCS 5/5-8-1.1) (from Ch. 38, par. 1005-8-1.1)

22 Sec. 5-8-1.1. Impact incarceration.

23 (a) The Department may establish and operate an impact
24 incarceration program for eligible offenders. If the court
25 finds under Section 5-4-1 that an offender sentenced to a term

1 of imprisonment for a felony may meet the eligibility
2 requirements of the Department, the court may in its
3 sentencing order approve the offender for placement in the
4 impact incarceration program conditioned upon his acceptance
5 in the program by the Department. Notwithstanding the
6 sentencing provisions of this Code, the sentencing order also
7 shall provide that if the Department accepts the offender in
8 the program and determines that the offender has successfully
9 completed the impact incarceration program, the sentence shall
10 be reduced to time considered served upon certification to the
11 court by the Department that the offender has successfully
12 completed the program. In the event the offender is not
13 accepted for placement in the impact incarceration program or
14 the offender does not successfully complete the program, his
15 term of imprisonment shall be as set forth by the court in its
16 sentencing order.

17 (b) In order to be eligible to participate in the impact
18 incarceration program, the committed person shall meet all of
19 the following requirements:

20 (1) The person must be not less than 17 years of age
21 nor more than 35 years of age.

22 (2) The person has not previously participated in the
23 impact incarceration program and has not previously served
24 more than one prior sentence of imprisonment for a felony
25 in an adult correctional facility.

26 (3) The person has not been convicted of a Class X

1 felony, first or second degree murder, ~~armed violence,~~
2 aggravated kidnapping, criminal sexual assault, aggravated
3 criminal sexual abuse or a subsequent conviction for
4 criminal sexual abuse, forcible detention, residential
5 arson, place of worship arson, or arson and has not been
6 convicted previously of any of those offenses.

7 (4) The person has been sentenced to a term of
8 imprisonment of 8 years or less.

9 (5) The person must be physically able to participate
10 in strenuous physical activities or labor.

11 (6) The person must not have any mental disorder or
12 disability that would prevent participation in the impact
13 incarceration program.

14 (7) The person has consented in writing to
15 participation in the impact incarceration program and to
16 the terms and conditions thereof.

17 (8) The person was recommended and approved for
18 placement in the impact incarceration program in the
19 court's sentencing order.

20 The Department may also consider, among other matters,
21 whether the committed person has any outstanding detainers or
22 warrants, whether the committed person has a history of
23 escaping or absconding, whether participation in the impact
24 incarceration program may pose a risk to the safety or
25 security of any person and whether space is available.

26 (c) The impact incarceration program shall include, among

1 other matters, mandatory physical training and labor, military
2 formation and drills, regimented activities, uniformity of
3 dress and appearance, education and counseling, including drug
4 counseling where appropriate.

5 (d) Privileges including visitation, commissary, receipt
6 and retention of property and publications and access to
7 television, radio and a library may be suspended or
8 restricted, notwithstanding provisions to the contrary in this
9 Code.

10 (e) Committed persons participating in the impact
11 incarceration program shall adhere to all Department rules and
12 all requirements of the program. Committed persons shall be
13 informed of rules of behavior and conduct. Disciplinary
14 procedures required by this Code or by Department rule are not
15 applicable except in those instances in which the Department
16 seeks to revoke good time.

17 (f) Participation in the impact incarceration program
18 shall be for a period of 120 to 180 days. The period of time a
19 committed person shall serve in the impact incarceration
20 program shall not be reduced by the accumulation of good time.

21 (g) The committed person shall serve a term of mandatory
22 supervised release as set forth in subsection (d) of Section
23 5-8-1.

24 (h) A committed person may be removed from the program for
25 a violation of the terms or conditions of the program or in the
26 event he is for any reason unable to participate. The

1 Department shall promulgate rules and regulations governing
2 conduct which could result in removal from the program or in a
3 determination that the committed person has not successfully
4 completed the program. Committed persons shall have access to
5 such rules, which shall provide that a committed person shall
6 receive notice and have the opportunity to appear before and
7 address one or more hearing officers. A committed person may
8 be transferred to any of the Department's facilities prior to
9 the hearing.

10 (i) The Department may terminate the impact incarceration
11 program at any time.

12 (j) The Department shall report to the Governor and the
13 General Assembly on or before September 30th of each year on
14 the impact incarceration program, including the composition of
15 the program by the offenders, by county of commitment,
16 sentence, age, offense and race.

17 (k) The Department of Corrections shall consider the
18 affirmative action plan approved by the Department of Human
19 Rights in hiring staff at the impact incarceration facilities.

20 (Source: P.A. 97-800, eff. 7-13-12.)

21 (730 ILCS 5/5-8-1.2)

22 Sec. 5-8-1.2. County impact incarceration.

23 (a) Legislative intent. It is the finding of the General
24 Assembly that certain non-violent offenders eligible for
25 sentences of incarceration may benefit from the rehabilitative

1 aspects of a county impact incarceration program. It is the
2 intent of the General Assembly that such programs be
3 implemented as provided by this Section. This Section shall
4 not be construed to allow violent offenders to participate in
5 a county impact incarceration program.

6 (b) Under the direction of the Sheriff and with the
7 approval of the County Board of Commissioners, the Sheriff, in
8 any county with more than 3,000,000 inhabitants, may establish
9 and operate a county impact incarceration program for eligible
10 offenders. If the court finds under Section 5-4-1 that an
11 offender convicted of a felony meets the eligibility
12 requirements of the Sheriff's county impact incarceration
13 program, the court may sentence the offender to the county
14 impact incarceration program. The Sheriff shall be responsible
15 for monitoring all offenders who are sentenced to the county
16 impact incarceration program, including the mandatory period
17 of monitored release following the 120 to 180 days of impact
18 incarceration. Offenders assigned to the county impact
19 incarceration program under an intergovernmental agreement
20 between the county and the Illinois Department of Corrections
21 are exempt from the provisions of this mandatory period of
22 monitored release. In the event the offender is not accepted
23 for placement in the county impact incarceration program, the
24 court shall proceed to sentence the offender to any other
25 disposition authorized by this Code. If the offender does not
26 successfully complete the program, the offender's failure to

1 do so shall constitute a violation of the sentence to the
2 county impact incarceration program.

3 (c) In order to be eligible to be sentenced to a county
4 impact incarceration program by the court, the person shall
5 meet all of the following requirements:

6 (1) The person must be not less than 17 years of age
7 nor more than 35 years of age.

8 (2) The person has not previously participated in the
9 impact incarceration program and has not previously served
10 more than one prior sentence of imprisonment for a felony
11 in an adult correctional facility.

12 (3) The person has not been convicted of a Class X
13 felony, first or second degree murder, ~~armed violence,~~
14 aggravated kidnapping, criminal sexual assault, aggravated
15 criminal sexual abuse or a subsequent conviction for
16 criminal sexual abuse, forcible detention, or arson and
17 has not been convicted previously of any of those
18 offenses.

19 (4) The person has been found in violation of
20 probation for an offense that is a Class 2, 3, or 4 felony
21 that is not a forcible felony as defined in Section 2-8 of
22 the Criminal Code of 2012 or a violent crime as defined in
23 subsection (c) of Section 3 of the Rights of Crime Victims
24 and Witnesses Act who otherwise could be sentenced to a
25 term of incarceration; or the person is convicted of an
26 offense that is a Class 2, 3, or 4 felony that is not a

1 forcible felony as defined in Section 2-8 of the Criminal
2 Code of 2012 or a violent crime as defined in subsection
3 (c) of Section 3 of the Rights of Crime Victims and
4 Witnesses Act who has previously served a sentence of
5 probation for any felony offense and who otherwise could
6 be sentenced to a term of incarceration.

7 (5) The person must be physically able to participate
8 in strenuous physical activities or labor.

9 (6) The person must not have any mental disorder or
10 disability that would prevent participation in a county
11 impact incarceration program.

12 (7) The person was recommended and approved for
13 placement in the county impact incarceration program by
14 the Sheriff and consented in writing to participation in
15 the county impact incarceration program and to the terms
16 and conditions of the program. The Sheriff may consider,
17 among other matters, whether the person has any
18 outstanding detainers or warrants, whether the person has
19 a history of escaping or absconding, whether participation
20 in the county impact incarceration program may pose a risk
21 to the safety or security of any person and whether space
22 is available.

23 (c-5) The county impact incarceration program shall
24 include, among other matters, mandatory physical training and
25 labor, military formation and drills, regimented activities,
26 uniformity of dress and appearance, education and counseling,

1 including drug counseling where appropriate.

2 (d) Privileges including visitation, commissary, receipt
3 and retention of property and publications and access to
4 television, radio, and a library may be suspended or
5 restricted, notwithstanding provisions to the contrary in this
6 Code.

7 (e) The Sheriff shall issue written rules and requirements
8 for the program. Persons shall be informed of rules of
9 behavior and conduct. Persons participating in the county
10 impact incarceration program shall adhere to all rules and all
11 requirements of the program.

12 (f) Participation in the county impact incarceration
13 program shall be for a period of 120 to 180 days followed by a
14 mandatory term of monitored release for at least 8 months and
15 no more than 12 months supervised by the Sheriff. The period of
16 time a person shall serve in the impact incarceration program
17 shall not be reduced by the accumulation of good time. The
18 court may also sentence the person to a period of probation to
19 commence at the successful completion of the county impact
20 incarceration program.

21 (g) If the person successfully completes the county impact
22 incarceration program, the Sheriff shall certify the person's
23 successful completion of the program to the court and to the
24 county's State's Attorney. Upon successful completion of the
25 county impact incarceration program and mandatory term of
26 monitored release and if there is an additional period of

1 probation given, the person shall at that time begin his or her
2 probationary sentence under the supervision of the Adult
3 Probation Department.

4 (h) A person may be removed from the county impact
5 incarceration program for a violation of the terms or
6 conditions of the program or in the event he or she is for any
7 reason unable to participate. The failure to complete the
8 program for any reason, including the 8 to 12 month monitored
9 release period, shall be deemed a violation of the county
10 impact incarceration sentence. The Sheriff shall give notice
11 to the State's Attorney of the person's failure to complete
12 the program. The Sheriff shall file a petition for violation
13 of the county impact incarceration sentence with the court and
14 the State's Attorney may proceed on the petition under Section
15 5-6-4 of this Code. The Sheriff shall promulgate rules and
16 regulations governing conduct which could result in removal
17 from the program or in a determination that the person has not
18 successfully completed the program.

19 The mandatory conditions of every county impact
20 incarceration sentence shall include that the person either
21 while in the program or during the period of monitored
22 release:

23 (1) not violate any criminal statute of any
24 jurisdiction;

25 (2) report or appear in person before any such person
26 or agency as directed by the court or the Sheriff;

1 (3) refrain from possessing a firearm or other
2 dangerous weapon;

3 (4) not leave the State without the consent of the
4 court or, in circumstances in which the reason for the
5 absence is of such an emergency nature that prior consent
6 by the court is not possible, without the prior
7 notification and approval of the Sheriff; and

8 (5) permit representatives of the Sheriff to visit at
9 the person's home or elsewhere to the extent necessary for
10 the Sheriff to monitor compliance with the program.
11 Persons shall have access to such rules, which shall
12 provide that a person shall receive notice of any such
13 violation.

14 (i) The Sheriff may terminate the county impact
15 incarceration program at any time.

16 (j) The Sheriff shall report to the county board on or
17 before September 30th of each year on the county impact
18 incarceration program, including the composition of the
19 program by the offenders, by county of commitment, sentence,
20 age, offense, and race.

21 (Source: P.A. 100-201, eff. 8-18-17.)

22 (730 ILCS 5/5-8-1.3)

23 Sec. 5-8-1.3. Pilot residential and transition treatment
24 program for women.

25 (a) The General Assembly recognizes:

1 (1) that drug-offending women with children who have
2 been in and out of the criminal justice system for years
3 are a serious problem;

4 (2) that the intergenerational cycle of women
5 continuously being part of the criminal justice system
6 needs to be broken;

7 (3) that the effects of drug offending women with
8 children disrupts family harmony and creates an atmosphere
9 that is not conducive to healthy childhood development;

10 (4) that there is a need for an effective residential
11 community supervision model to provide help to women to
12 become drug free, recover from trauma, focus on healthy
13 mother-child relationships, and establish economic
14 independence and long-term support;

15 (5) that certain non-violent women offenders with
16 children eligible for sentences of incarceration, may
17 benefit from the rehabilitative aspects of gender
18 responsive treatment programs and services. This Section
19 shall not be construed to allow violent offenders to
20 participate in a treatment program.

21 (b) Under the direction of the sheriff and with the
22 approval of the county board of commissioners, the sheriff, in
23 any county with more than 3,000,000 inhabitants, may operate a
24 residential and transition treatment program for women
25 established by the Illinois Department of Corrections if
26 funding has been provided by federal, local or private

1 entities. If the court finds during the sentencing hearing
2 conducted under Section 5-4-1 that a woman convicted of a
3 felony meets the eligibility requirements of the sheriff's
4 residential and transition treatment program for women, the
5 court may refer the offender to the sheriff's residential and
6 transition treatment program for women for consideration as a
7 participant as an alternative to incarceration in the
8 penitentiary. The sheriff shall be responsible for supervising
9 all women who are placed in the residential and transition
10 treatment program for women for the 12-month period. In the
11 event that the woman is not accepted for placement in the
12 sheriff's residential and transition treatment program for
13 women, the court shall proceed to sentence the woman to any
14 other disposition authorized by this Code. If the woman does
15 not successfully complete the residential and transition
16 treatment program for women, the woman's failure to do so
17 shall constitute a violation of the sentence to the
18 residential and transition treatment program for women.

19 (c) In order to be eligible to be a participant in the
20 pilot residential and transition treatment program for women,
21 the participant shall meet all of the following conditions:

22 (1) The woman has not been convicted of a violent
23 crime as defined in subsection (c) of Section 3 of the
24 Rights of Crime Victims and Witnesses Act, a Class X
25 felony, first or second degree murder, ~~armed violence,~~
26 aggravated kidnapping, criminal sexual assault, aggravated

1 criminal sexual abuse or a subsequent conviction for
2 criminal sexual abuse, forcible detention, or arson and
3 has not been previously convicted of any of those
4 offenses.

5 (2) The woman must undergo an initial assessment
6 evaluation to determine the treatment and program plan.

7 (3) The woman was recommended and accepted for
8 placement in the pilot residential and transition
9 treatment program for women by the Department of
10 Corrections and has consented in writing to participation
11 in the program under the terms and conditions of the
12 program. The Department of Corrections may consider
13 whether space is available.

14 (d) The program may include a substance abuse treatment
15 program designed for women offenders, mental health, trauma,
16 and medical treatment; parenting skills and family
17 relationship counseling, preparation for a high school
18 equivalency or vocational certificate; life skills program;
19 job readiness and job skill training, and a community
20 transition development plan.

21 (e) With the approval of the Department of Corrections,
22 the sheriff shall issue requirements for the program and
23 inform the participants who shall sign an agreement to adhere
24 to all rules and all requirements for the pilot residential
25 and transition treatment program.

26 (f) Participation in the pilot residential and transition

1 treatment program for women shall be for a period not to exceed
2 12 months. The period may not be reduced by accumulation of
3 good time.

4 (g) If the woman successfully completes the pilot
5 residential and transition treatment program for women, the
6 sheriff shall notify the Department of Corrections, the court,
7 and the State's Attorney of the county of the woman's
8 successful completion.

9 (h) A woman may be removed from the pilot residential and
10 transition treatment program for women for violation of the
11 terms and conditions of the program or in the event she is
12 unable to participate. The failure to complete the program
13 shall be deemed a violation of the conditions of the program.
14 The sheriff shall give notice to the Department of
15 Corrections, the court, and the State's Attorney of the
16 woman's failure to complete the program. The Department of
17 Corrections or its designee shall file a petition alleging
18 that the woman has violated the conditions of the program with
19 the court. The State's Attorney may proceed on the petition
20 under Section 5-4-1 of this Code.

21 (i) The conditions of the pilot residential and transition
22 treatment program for women shall include that the woman while
23 in the program:

24 (1) not violate any criminal statute of any
25 jurisdiction;

26 (2) report or appear in person before any person or

1 agency as directed by the court, the sheriff, or
2 Department of Corrections;

3 (3) refrain from possessing a firearm or other
4 dangerous weapon;

5 (4) consent to drug testing;

6 (5) not leave the State without the consent of the
7 court or, in circumstances in which reason for the absence
8 is of such an emergency nature that prior consent by the
9 court is not possible, without prior notification and
10 approval of the Department of Corrections;

11 (6) upon placement in the program, must agree to
12 follow all requirements of the program.

13 (j) The Department of Corrections or the sheriff may
14 terminate the program at any time by mutual agreement or with
15 30 days prior written notice by either the Department of
16 Corrections or the sheriff.

17 (k) The Department of Corrections may enter into a joint
18 contract with a county with more than 3,000,000 inhabitants to
19 establish and operate a pilot residential and treatment
20 program for women.

21 (l) The Director of the Department of Corrections shall
22 have the authority to develop rules to establish and operate a
23 pilot residential and treatment program for women that shall
24 include criteria for selection of the participants of the
25 program in conjunction and approval by the sentencing court.
26 Violent crime offenders are not eligible to participate in the

1 program.

2 (m) The Department shall report to the Governor and the
3 General Assembly before September 30th of each year on the
4 pilot residential and treatment program for women, including
5 the composition of the program by offenders, sentence, age,
6 offense, and race. Reporting is only required if the pilot
7 residential and treatment program for women is operational.

8 (n) The Department of Corrections or the sheriff may
9 terminate the program with 30 days prior written notice.

10 (o) A county with more than 3,000,000 inhabitants is
11 authorized to apply for funding from federal, local or private
12 entities to create a Residential and Treatment Program for
13 Women. This sentencing option may not go into effect until the
14 funding is secured for the program and the program has been
15 established.

16 (Source: P.A. 97-800, eff. 7-13-12; 98-718, eff. 1-1-15.)

1 INDEX
2 Statutes amended in order of appearance

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4 705 ILCS 405/5-915
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6 720 ILCS 5/10-2 from Ch. 38, par. 10-2
7 720 ILCS 5/11-1.30 was 720 ILCS 5/12-14
8 720 ILCS 5/11-1.40 was 720 ILCS 5/12-14.1
9 720 ILCS 5/12-2 from Ch. 38, par. 12-2
10 720 ILCS 5/12-3.05 was 720 ILCS 5/12-4
11 720 ILCS 5/18-2 from Ch. 38, par. 18-2
12 720 ILCS 5/18-4
13 720 ILCS 5/19-6 was 720 ILCS 5/12-11
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15 720 ILCS 5/24-1.7
16 720 ILCS 5/33F-1 from Ch. 38, par. 33F-1
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19 725 ILCS 5/115-10.3
20 730 ILCS 5/3-2-2 from Ch. 38, par. 1003-2-2
21 730 ILCS 5/5-4.5-110
22 730 ILCS 5/5-8-1 from Ch. 38, par. 1005-8-1
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