

HB3659



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3659

Introduced 2/22/2021, by Rep. Kelly M. Cassidy

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-3-8
730 ILCS 5/5-8-1

from Ch. 38, par. 1003-3-8
from Ch. 38, par. 1005-8-1

Amends the Unified Code of Corrections. Provides that a mandatory supervised release term shall not be imposed for a Class 4 felony. Makes conforming changes.

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A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Unified Code of Corrections is amended by
5 changing Sections 3-3-8 and 5-8-1 as follows:

6 (730 ILCS 5/3-3-8) (from Ch. 38, par. 1003-3-8)

7 Sec. 3-3-8. Length of parole and mandatory supervised
8 release; discharge.

9 (a) The length of parole for a person sentenced under the
10 law in effect prior to the effective date of this amendatory
11 Act of 1977 and the length of mandatory supervised release for
12 those sentenced under the law in effect on and after such
13 effective date shall be as set out in Section 5-8-1 unless
14 sooner terminated under paragraph (b) or otherwise provided
15 under paragraph (b-5) of this Section.

16 (b) The Prisoner Review Board may enter an order releasing
17 and discharging one from parole or mandatory supervised
18 release, and his or her commitment to the Department, when it
19 determines that he or she is likely to remain at liberty
20 without committing another offense.

21 (b-1) Provided that the subject is in compliance with the
22 terms and conditions of his or her parole or mandatory
23 supervised release, the Prisoner Review Board may reduce the

1 period of a parolee or releasee's parole or mandatory
2 supervised release by 90 days upon the parolee or releasee
3 receiving a high school diploma or upon passage of high school
4 equivalency testing during the period of his or her parole or
5 mandatory supervised release. This reduction in the period of
6 a subject's term of parole or mandatory supervised release
7 shall be available only to subjects who have not previously
8 earned a high school diploma or who have not previously passed
9 high school equivalency testing.

10 (b-2) The Prisoner Review Board may release a low-risk and
11 need subject person from mandatory supervised release as
12 determined by an appropriate evidence-based risk and need
13 assessment.

14 (b-5) Notwithstanding any provision of law to the
15 contrary, a mandatory supervised release term shall not be
16 imposed for a Class 4 felony.

17 (c) The order of discharge shall become effective upon
18 entry of the order of the Board. The Board shall notify the
19 clerk of the committing court of the order. Upon receipt of
20 such copy, the clerk shall make an entry on the record judgment
21 that the sentence or commitment has been satisfied pursuant to
22 the order.

23 (d) Rights of the person discharged under this Section
24 shall be restored under Section 5-5-5.

25 (Source: P.A. 99-268, eff. 1-1-16; 99-628, eff. 1-1-17; 100-3,
26 eff. 1-1-18.)

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

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

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

9 (1) for first degree murder,

10 (a) (blank),

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

21 (c) the court shall sentence the defendant to a
22 term of natural life imprisonment if the defendant, at
23 the time of the commission of the murder, had attained
24 the age of 18, and

25 (i) has previously been convicted of first

1 degree murder under any state or federal law, or

2 (ii) is found guilty of murdering more than
3 one victim, or

4 (iii) is found guilty of murdering a peace
5 officer, fireman, or emergency management worker
6 when the peace officer, fireman, or emergency
7 management worker was killed in the course of
8 performing his official duties, or to prevent the
9 peace officer or fireman from performing his
10 official duties, or in retaliation for the peace
11 officer, fireman, or emergency management worker
12 from performing his official duties, and the
13 defendant knew or should have known that the
14 murdered individual was a peace officer, fireman,
15 or emergency management worker, or

16 (iv) is found guilty of murdering an employee
17 of an institution or facility of the Department of
18 Corrections, or any similar local correctional
19 agency, when the employee was killed in the course
20 of performing his official duties, or to prevent
21 the employee from performing his official duties,
22 or in retaliation for the employee performing his
23 official duties, or

24 (v) is found guilty of murdering an emergency
25 medical technician - ambulance, emergency medical
26 technician - intermediate, emergency medical

1 technician - paramedic, ambulance driver or other
2 medical assistance or first aid person while
3 employed by a municipality or other governmental
4 unit when the person was killed in the course of
5 performing official duties or to prevent the
6 person from performing official duties or in
7 retaliation for performing official duties and the
8 defendant knew or should have known that the
9 murdered individual was an emergency medical
10 technician - ambulance, emergency medical
11 technician - intermediate, emergency medical
12 technician - paramedic, ambulance driver, or other
13 medical assistant or first aid personnel, or

14 (vi) (blank), or

15 (vii) is found guilty of first degree murder
16 and the murder was committed by reason of any
17 person's activity as a community policing
18 volunteer or to prevent any person from engaging
19 in activity as a community policing volunteer. For
20 the purpose of this Section, "community policing
21 volunteer" has the meaning ascribed to it in
22 Section 2-3.5 of the Criminal Code of 2012.

23 For purposes of clause (v), "emergency medical
24 technician - ambulance", "emergency medical technician
25 - intermediate", "emergency medical technician -
26 paramedic", have the meanings ascribed to them in the

1 Emergency Medical Services (EMS) Systems Act.

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

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

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

16 (2) (blank);

17 (2.5) for a person who has attained the age of 18 years
18 at the time of the commission of the offense and who is
19 convicted under the circumstances described in subdivision
20 (b)(1)(B) of Section 11-1.20 or paragraph (3) of
21 subsection (b) of Section 12-13, subdivision (d)(2) of
22 Section 11-1.30 or paragraph (2) of subsection (d) of
23 Section 12-14, subdivision (b)(1.2) of Section 11-1.40 or
24 paragraph (1.2) of subsection (b) of Section 12-14.1,
25 subdivision (b)(2) of Section 11-1.40 or paragraph (2) of
26 subsection (b) of Section 12-14.1 of the Criminal Code of

1 1961 or the Criminal Code of 2012, the sentence shall be a
2 term of natural life imprisonment.

3 (b) (Blank).

4 (c) (Blank).

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

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

19 (2) for a Class 1 felony or a Class 2 felony except for
20 the offense of criminal sexual assault if committed on or
21 after the effective date of this amendatory Act of the
22 94th General Assembly and except for the offenses of
23 manufacture and dissemination of child pornography under
24 clauses (a)(1) and (a)(2) of Section 11-20.1 of the
25 Criminal Code of 1961 or the Criminal Code of 2012, if
26 committed on or after January 1, 2009, 2 years;

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

2 (4) for defendants who commit the offense of predatory
3 criminal sexual assault of a child, aggravated criminal
4 sexual assault, or criminal sexual assault, on or after
5 the effective date of this amendatory Act of the 94th
6 General Assembly, or who commit the offense of aggravated
7 child pornography under Section 11-20.1B, 11-20.3, or
8 11-20.1 with sentencing under subsection (c-5) of Section
9 11-20.1 of the Criminal Code of 1961 or the Criminal Code
10 of 2012, manufacture of child pornography, or
11 dissemination of child pornography after January 1, 2009,
12 the term of mandatory supervised release shall range from
13 a minimum of 3 years to a maximum of the natural life of
14 the defendant;

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

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

24 (e) (Blank).

25 (f) (Blank).

26 (Source: P.A. 100-431, eff. 8-25-17; 100-1182, eff. 6-1-19;

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1 101-288, eff. 1-1-20.)