



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB4685

Introduced 1/21/2022, by Rep. Mark L. Walker

SYNOPSIS AS INTRODUCED:

720 ILCS 5/8-4	from Ch. 38, par. 8-4
720 ILCS 5/9-1	from Ch. 38, par. 9-1
720 ILCS 5/12-3.05	was 720 ILCS 5/12-4
730 ILCS 5/5-4.5-20	
730 ILCS 5/5-8-1	from Ch. 38, par. 1005-8-1

Amends the Criminal Code of 2012. Makes technical changes in the first degree murder statute. Eliminates references to imposition of the death penalty for first degree murder. Amends the Unified Code of Corrections. Lists the aggravating factors for first degree murder in which the defendant may be sentenced to natural life imprisonment.

LRB102 23216 RLC 34076 b

1 AN ACT concerning criminal law.

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

4 Section 5. The Criminal Code of 2012 is amended by
5 changing Sections 8-4, 9-1, and 12-3.05 as follows:

6 (720 ILCS 5/8-4) (from Ch. 38, par. 8-4)
7 Sec. 8-4. Attempt.

8 (a) Elements of the offense.

9 A person commits the offense of attempt when, with intent
10 to commit a specific offense, he or she does any act that
11 constitutes a substantial step toward the commission of that
12 offense.

13 (b) Impossibility.

14 It is not a defense to a charge of attempt that because of
15 a misapprehension of the circumstances it would have been
16 impossible for the accused to commit the offense attempted.

17 (c) Sentence.

18 A person convicted of attempt may be fined or imprisoned
19 or both not to exceed the maximum provided for the offense
20 attempted but, except for an attempt to commit the offense
21 defined in Section 33A-2 of this Code:

22 (1) the sentence for attempt to commit first degree
23 murder is the sentence for a Class X felony, except that

1 (A) an attempt to commit first degree murder when
2 at least one of the aggravating factors specified in
3 clauses (iii), (iv), and (v) of subsection (a)(1)(c)
4 of Section 5-8-1 of the Unified Code of Corrections
5 ~~paragraphs (1), (2), and (12) of subsection (b) of~~
6 ~~Section 9-1~~ is present is a Class X felony for which
7 the sentence shall be a term of imprisonment of not
8 less than 20 years and not more than 80 years;

9 (B) an attempt to commit first degree murder while
10 armed with a firearm is a Class X felony for which 15
11 years shall be added to the term of imprisonment
12 imposed by the court;

13 (C) an attempt to commit first degree murder
14 during which the person personally discharged a
15 firearm is a Class X felony for which 20 years shall be
16 added to the term of imprisonment imposed by the
17 court;

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

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

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

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

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

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

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

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

20 (720 ILCS 5/9-1) (from Ch. 38, par. 9-1)

21 Sec. 9-1. First degree murder; ~~death penalties;~~
22 ~~exceptions; separate hearings; proof; findings; appellate~~
23 ~~procedures; reversals.~~

24 (a) A person who kills an individual without lawful
25 justification commits first degree murder if, in performing

1 the acts which cause the death:

2 (1) he or she either intends to kill or do great bodily
3 harm to that individual or another, or knows that such
4 acts will cause death to that individual or another; or

5 (2) he or she knows that such acts create a strong
6 probability of death or great bodily harm to that
7 individual or another; or

8 (3) he or she, acting alone or with one or more
9 participants, commits or attempts to commit a forcible
10 felony other than second degree murder, and in the course
11 of or in furtherance of such crime or flight therefrom, he
12 or she or another participant causes the death of a
13 person.

14 (b) (Blank). ~~Aggravating Factors. A defendant who at the~~
15 ~~time of the commission of the offense has attained the age of~~
16 ~~18 or more and who has been found guilty of first degree murder~~
17 ~~may be sentenced to death if:~~

18 ~~(1) the murdered individual was a peace officer or~~
19 ~~fireman killed in the course of performing his official~~
20 ~~duties, to prevent the performance of his or her official~~
21 ~~duties, or in retaliation for performing his or her~~
22 ~~official duties, and the defendant knew or should have~~
23 ~~known that the murdered individual was a peace officer or~~
24 ~~fireman; or~~

25 ~~(2) the murdered individual was an employee of an~~
26 ~~institution or facility of the Department of Corrections,~~

1 ~~or any similar local correctional agency, killed in the~~
2 ~~course of performing his or her official duties, to~~
3 ~~prevent the performance of his or her official duties, or~~
4 ~~in retaliation for performing his or her official duties,~~
5 ~~or the murdered individual was an inmate at such~~
6 ~~institution or facility and was killed on the grounds~~
7 ~~thereof, or the murdered individual was otherwise present~~
8 ~~in such institution or facility with the knowledge and~~
9 ~~approval of the chief administrative officer thereof; or~~

10 ~~(3) the defendant has been convicted of murdering two~~
11 ~~or more individuals under subsection (a) of this Section~~
12 ~~or under any law of the United States or of any state which~~
13 ~~is substantially similar to subsection (a) of this Section~~
14 ~~regardless of whether the deaths occurred as the result of~~
15 ~~the same act or of several related or unrelated acts so~~
16 ~~long as the deaths were the result of either an intent to~~
17 ~~kill more than one person or of separate acts which the~~
18 ~~defendant knew would cause death or create a strong~~
19 ~~probability of death or great bodily harm to the murdered~~
20 ~~individual or another; or~~

21 ~~(4) the murdered individual was killed as a result of~~
22 ~~the hijacking of an airplane, train, ship, bus, or other~~
23 ~~public conveyance; or~~

24 ~~(5) the defendant committed the murder pursuant to a~~
25 ~~contract, agreement, or understanding by which he or she~~
26 ~~was to receive money or anything of value in return for~~

1 ~~committing the murder or procured another to commit the~~
2 ~~murder for money or anything of value; or~~

3 ~~(6) the murdered individual was killed in the course~~
4 ~~of another felony if:~~

5 ~~(a) the murdered individual:~~

6 ~~(i) was actually killed by the defendant, or~~

7 ~~(ii) received physical injuries personally~~
8 ~~inflicted by the defendant substantially~~
9 ~~contemporaneously with physical injuries caused by~~
10 ~~one or more persons for whose conduct the~~
11 ~~defendant is legally accountable under Section 5-2~~
12 ~~of this Code, and the physical injuries inflicted~~
13 ~~by either the defendant or the other person or~~
14 ~~persons for whose conduct he is legally~~
15 ~~accountable caused the death of the murdered~~
16 ~~individual; and~~

17 ~~(b) in performing the acts which caused the death~~
18 ~~of the murdered individual or which resulted in~~
19 ~~physical injuries personally inflicted by the~~
20 ~~defendant on the murdered individual under the~~
21 ~~circumstances of subdivision (ii) of subparagraph (a)~~
22 ~~of paragraph (6) of subsection (b) of this Section,~~
23 ~~the defendant acted with the intent to kill the~~
24 ~~murdered individual or with the knowledge that his~~
25 ~~acts created a strong probability of death or great~~
26 ~~bodily harm to the murdered individual or another; and~~

1 ~~(c) the other felony was an inherently violent~~
2 ~~crime or the attempt to commit an inherently violent~~
3 ~~crime. In this subparagraph (c), "inherently violent~~
4 ~~crime" includes, but is not limited to, armed robbery,~~
5 ~~robbery, predatory criminal sexual assault of a child,~~
6 ~~aggravated criminal sexual assault, aggravated~~
7 ~~kidnapping, aggravated vehicular hijacking, aggravated~~
8 ~~arson, aggravated stalking, residential burglary, and~~
9 ~~home invasion; or~~

10 ~~(7) the murdered individual was under 12 years of age~~
11 ~~and the death resulted from exceptionally brutal or~~
12 ~~heinous behavior indicative of wanton cruelty; or~~

13 ~~(8) the defendant committed the murder with intent to~~
14 ~~prevent the murdered individual from testifying or~~
15 ~~participating in any criminal investigation or prosecution~~
16 ~~or giving material assistance to the State in any~~
17 ~~investigation or prosecution, either against the defendant~~
18 ~~or another; or the defendant committed the murder because~~
19 ~~the murdered individual was a witness in any prosecution~~
20 ~~or gave material assistance to the State in any~~
21 ~~investigation or prosecution, either against the defendant~~
22 ~~or another; for purposes of this paragraph (8),~~
23 ~~"participating in any criminal investigation or~~
24 ~~prosecution" is intended to include those appearing in the~~
25 ~~proceedings in any capacity such as trial judges,~~
26 ~~prosecutors, defense attorneys, investigators, witnesses,~~

1 ~~or jurors; or~~

2 ~~(9) the defendant, while committing an offense~~
3 ~~punishable under Sections 401, 401.1, 401.2, 405, 405.2,~~
4 ~~407 or 407.1 or subsection (b) of Section 404 of the~~
5 ~~Illinois Controlled Substances Act, or while engaged in a~~
6 ~~conspiracy or solicitation to commit such offense,~~
7 ~~intentionally killed an individual or counseled,~~
8 ~~commanded, induced, procured or caused the intentional~~
9 ~~killing of the murdered individual; or~~

10 ~~(10) the defendant was incarcerated in an institution~~
11 ~~or facility of the Department of Corrections at the time~~
12 ~~of the murder, and while committing an offense punishable~~
13 ~~as a felony under Illinois law, or while engaged in a~~
14 ~~conspiracy or solicitation to commit such offense,~~
15 ~~intentionally killed an individual or counseled,~~
16 ~~commanded, induced, procured or caused the intentional~~
17 ~~killing of the murdered individual; or~~

18 ~~(11) the murder was committed in a cold, calculated~~
19 ~~and premeditated manner pursuant to a preconceived plan,~~
20 ~~scheme or design to take a human life by unlawful means,~~
21 ~~and the conduct of the defendant created a reasonable~~
22 ~~expectation that the death of a human being would result~~
23 ~~therefrom; or~~

24 ~~(12) the murdered individual was an emergency medical~~
25 ~~technician — ambulance, emergency medical technician —~~
26 ~~intermediate, emergency medical technician paramedic,~~

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

12 ~~(13) the defendant was a principal administrator,~~
13 ~~organizer, or leader of a calculated criminal drug~~
14 ~~conspiracy consisting of a hierarchical position of~~
15 ~~authority superior to that of all other members of the~~
16 ~~conspiracy, and the defendant counseled, commanded,~~
17 ~~induced, procured, or caused the intentional killing of~~
18 ~~the murdered person; or~~

19 ~~(14) the murder was intentional and involved the~~
20 ~~infliction of torture. For the purpose of this Section~~
21 ~~torture means the infliction of or subjection to extreme~~
22 ~~physical pain, motivated by an intent to increase or~~
23 ~~prolong the pain, suffering or agony of the victim; or~~

24 ~~(15) the murder was committed as a result of the~~
25 ~~intentional discharge of a firearm by the defendant from a~~
26 ~~motor vehicle and the victim was not present within the~~

1 ~~motor vehicle; or~~

2 ~~(16) the murdered individual was 60 years of age or~~
3 ~~older and the death resulted from exceptionally brutal or~~
4 ~~heinous behavior indicative of wanton cruelty; or~~

5 ~~(17) the murdered individual was a person with a~~
6 ~~disability and the defendant knew or should have known~~
7 ~~that the murdered individual was a person with a~~
8 ~~disability. For purposes of this paragraph (17), "person~~
9 ~~with a disability" means a person who suffers from a~~
10 ~~permanent physical or mental impairment resulting from~~
11 ~~disease, an injury, a functional disorder, or a congenital~~
12 ~~condition that renders the person incapable of adequately~~
13 ~~providing for his or her own health or personal care; or~~

14 ~~(18) the murder was committed by reason of any~~
15 ~~person's activity as a community policing volunteer or to~~
16 ~~prevent any person from engaging in activity as a~~
17 ~~community policing volunteer; or~~

18 ~~(19) the murdered individual was subject to an order~~
19 ~~of protection and the murder was committed by a person~~
20 ~~against whom the same order of protection was issued under~~
21 ~~the Illinois Domestic Violence Act of 1986; or~~

22 ~~(20) the murdered individual was known by the~~
23 ~~defendant to be a teacher or other person employed in any~~
24 ~~school and the teacher or other employee is upon the~~
25 ~~grounds of a school or grounds adjacent to a school, or is~~
26 ~~in any part of a building used for school purposes; or~~

1 ~~(21) the murder was committed by the defendant in~~
2 ~~connection with or as a result of the offense of terrorism~~
3 ~~as defined in Section 29D-14.9 of this Code; or~~

4 ~~(22) the murdered individual was a member of a~~
5 ~~congregation engaged in prayer or other religious~~
6 ~~activities at a church, synagogue, mosque, or other~~
7 ~~building, structure, or place used for religious worship.~~

8 (b-5) (Blank). ~~Aggravating Factor; Natural Life~~
9 ~~Imprisonment. A defendant who has been found guilty of first~~
10 ~~degree murder and who at the time of the commission of the~~
11 ~~offense had attained the age of 18 years or more may be~~
12 ~~sentenced to natural life imprisonment if (i) the murdered~~
13 ~~individual was a physician, physician assistant, psychologist,~~
14 ~~nurse, or advanced practice registered nurse, (ii) the~~
15 ~~defendant knew or should have known that the murdered~~
16 ~~individual was a physician, physician assistant, psychologist,~~
17 ~~nurse, or advanced practice registered nurse, and (iii) the~~
18 ~~murdered individual was killed in the course of acting in his~~
19 ~~or her capacity as a physician, physician assistant,~~
20 ~~psychologist, nurse, or advanced practice registered nurse, or~~
21 ~~to prevent him or her from acting in that capacity, or in~~
22 ~~retaliation for his or her acting in that capacity.~~

23 (c) (Blank). ~~Consideration of factors in Aggravation and~~
24 ~~Mitigation.~~

25 ~~The court shall consider, or shall instruct the jury to~~
26 ~~consider any aggravating and any mitigating factors which are~~

1 ~~relevant to the imposition of the death penalty. Aggravating~~
2 ~~factors may include but need not be limited to those factors~~
3 ~~set forth in subsection (b). Mitigating factors may include~~
4 ~~but need not be limited to the following:~~

5 ~~(1) the defendant has no significant history of prior~~
6 ~~criminal activity;~~

7 ~~(2) the murder was committed while the defendant was~~
8 ~~under the influence of extreme mental or emotional~~
9 ~~disturbance, although not such as to constitute a defense~~
10 ~~to prosecution;~~

11 ~~(3) the murdered individual was a participant in the~~
12 ~~defendant's homicidal conduct or consented to the~~
13 ~~homicidal act;~~

14 ~~(4) the defendant acted under the compulsion of threat~~
15 ~~or menace of the imminent infliction of death or great~~
16 ~~bodily harm;~~

17 ~~(5) the defendant was not personally present during~~
18 ~~commission of the act or acts causing death;~~

19 ~~(6) the defendant's background includes a history of~~
20 ~~extreme emotional or physical abuse;~~

21 ~~(7) the defendant suffers from a reduced mental~~
22 ~~capacity.~~

23 ~~Provided, however, that an action that does not otherwise~~
24 ~~mitigate first degree murder cannot qualify as a mitigating~~
25 ~~factor for first degree murder because of the discovery,~~
26 ~~knowledge, or disclosure of the victim's sexual orientation as~~

1 ~~defined in Section 1-103 of the Illinois Human Rights Act.~~

2 (d) (Blank). ~~Separate sentencing hearing.~~

3 ~~Where requested by the State, the court shall conduct a~~
4 ~~separate sentencing proceeding to determine the existence of~~
5 ~~factors set forth in subsection (b) and to consider any~~
6 ~~aggravating or mitigating factors as indicated in subsection~~
7 ~~(c). The proceeding shall be conducted:~~

8 ~~(1) before the jury that determined the defendant's~~
9 ~~guilt; or~~

10 ~~(2) before a jury impanelled for the purpose of the~~
11 ~~proceeding if:~~

12 ~~A. the defendant was convicted upon a plea of~~
13 ~~guilty; or~~

14 ~~B. the defendant was convicted after a trial~~
15 ~~before the court sitting without a jury; or~~

16 ~~C. the court for good cause shown discharges the~~
17 ~~jury that determined the defendant's guilt; or~~

18 ~~(3) before the court alone if the defendant waives a~~
19 ~~jury for the separate proceeding.~~

20 (e) (Blank). ~~Evidence and Argument.~~

21 ~~During the proceeding any information relevant to any of~~
22 ~~the factors set forth in subsection (b) may be presented by~~
23 ~~either the State or the defendant under the rules governing~~
24 ~~the admission of evidence at criminal trials. Any information~~
25 ~~relevant to any additional aggravating factors or any~~
26 ~~mitigating factors indicated in subsection (c) may be~~

1 ~~presented by the State or defendant regardless of its~~
2 ~~admissibility under the rules governing the admission of~~
3 ~~evidence at criminal trials. The State and the defendant shall~~
4 ~~be given fair opportunity to rebut any information received at~~
5 ~~the hearing.~~

6 (f) (Blank). ~~Proof.~~

7 ~~The burden of proof of establishing the existence of any~~
8 ~~of the factors set forth in subsection (b) is on the State and~~
9 ~~shall not be satisfied unless established beyond a reasonable~~
10 ~~doubt.~~

11 (g) (Blank). ~~Procedure - Jury.~~

12 ~~If at the separate sentencing proceeding the jury finds~~
13 ~~that none of the factors set forth in subsection (b) exists,~~
14 ~~the court shall sentence the defendant to a term of~~
15 ~~imprisonment under Chapter V of the Unified Code of~~
16 ~~Corrections. If there is a unanimous finding by the jury that~~
17 ~~one or more of the factors set forth in subsection (b) exist,~~
18 ~~the jury shall consider aggravating and mitigating factors as~~
19 ~~instructed by the court and shall determine whether the~~
20 ~~sentence of death shall be imposed. If the jury determines~~
21 ~~unanimously, after weighing the factors in aggravation and~~
22 ~~mitigation, that death is the appropriate sentence, the court~~
23 ~~shall sentence the defendant to death. If the court does not~~
24 ~~concur with the jury determination that death is the~~
25 ~~appropriate sentence, the court shall set forth reasons in~~
26 ~~writing including what facts or circumstances the court relied~~

1 ~~upon, along with any relevant documents, that compelled the~~
2 ~~court to non-concur with the sentence. This document and any~~
3 ~~attachments shall be part of the record for appellate review.~~
4 ~~The court shall be bound by the jury's sentencing~~
5 ~~determination.~~

6 ~~If after weighing the factors in aggravation and~~
7 ~~mitigation, one or more jurors determines that death is not~~
8 ~~the appropriate sentence, the court shall sentence the~~
9 ~~defendant to a term of imprisonment under Chapter V of the~~
10 ~~Unified Code of Corrections.~~

11 (h) (Blank). ~~Procedure - No Jury.~~

12 ~~In a proceeding before the court alone, if the court finds~~
13 ~~that none of the factors found in subsection (b) exists, the~~
14 ~~court shall sentence the defendant to a term of imprisonment~~
15 ~~under Chapter V of the Unified Code of Corrections.~~

16 ~~If the Court determines that one or more of the factors set~~
17 ~~forth in subsection (b) exists, the Court shall consider any~~
18 ~~aggravating and mitigating factors as indicated in subsection~~
19 ~~(c). If the Court determines, after weighing the factors in~~
20 ~~aggravation and mitigation, that death is the appropriate~~
21 ~~sentence, the Court shall sentence the defendant to death.~~

22 ~~If the court finds that death is not the appropriate~~
23 ~~sentence, the court shall sentence the defendant to a term of~~
24 ~~imprisonment under Chapter V of the Unified Code of~~
25 ~~Corrections.~~

26 (h-5) (Blank). ~~Decertification as a capital case.~~

1 ~~In a case in which the defendant has been found guilty of~~
2 ~~first degree murder by a judge or jury, or a case on remand for~~
3 ~~resentencing, and the State seeks the death penalty as an~~
4 ~~appropriate sentence, on the court's own motion or the written~~
5 ~~motion of the defendant, the court may decertify the case as a~~
6 ~~death penalty case if the court finds that the only evidence~~
7 ~~supporting the defendant's conviction is the uncorroborated~~
8 ~~testimony of an informant witness, as defined in Section~~
9 ~~115-21 of the Code of Criminal Procedure of 1963, concerning~~
10 ~~the confession or admission of the defendant or that the sole~~
11 ~~evidence against the defendant is a single eyewitness or~~
12 ~~single accomplice without any other corroborating evidence. If~~
13 ~~the court decertifies the case as a capital case under either~~
14 ~~of the grounds set forth above, the court shall issue a written~~
15 ~~finding. The State may pursue its right to appeal the~~
16 ~~decertification pursuant to Supreme Court Rule 604(a)(1). If~~
17 ~~the court does not decertify the case as a capital case, the~~
18 ~~matter shall proceed to the eligibility phase of the~~
19 ~~sentencing hearing.~~

20 (i) (Blank). ~~Appellate Procedure.~~

21 ~~The conviction and sentence of death shall be subject to~~
22 ~~automatic review by the Supreme Court. Such review shall be in~~
23 ~~accordance with rules promulgated by the Supreme Court. The~~
24 ~~Illinois Supreme Court may overturn the death sentence, and~~
25 ~~order the imposition of imprisonment under Chapter V of the~~
26 ~~Unified Code of Corrections if the court finds that the death~~

1 ~~sentence is fundamentally unjust as applied to the particular~~
2 ~~ease. If the Illinois Supreme Court finds that the death~~
3 ~~sentence is fundamentally unjust as applied to the particular~~
4 ~~ease, independent of any procedural grounds for relief, the~~
5 ~~Illinois Supreme Court shall issue a written opinion~~
6 ~~explaining this finding.~~

7 (j) (Blank). ~~Disposition of reversed death sentence.~~

8 ~~In the event that the death penalty in this Act is held to~~
9 ~~be unconstitutional by the Supreme Court of the United States~~
10 ~~or of the State of Illinois, any person convicted of first~~
11 ~~degree murder shall be sentenced by the court to a term of~~
12 ~~imprisonment under Chapter V of the Unified Code of~~
13 ~~Corrections.~~

14 ~~In the event that any death sentence pursuant to the~~
15 ~~sentencing provisions of this Section is declared~~
16 ~~unconstitutional by the Supreme Court of the United States or~~
17 ~~of the State of Illinois, the court having jurisdiction over a~~
18 ~~person previously sentenced to death shall cause the defendant~~
19 ~~to be brought before the court, and the court shall sentence~~
20 ~~the defendant to a term of imprisonment under Chapter V of the~~
21 ~~Unified Code of Corrections.~~

22 (k) (Blank). ~~Guidelines for seeking the death penalty.~~

23 ~~The Attorney General and State's Attorneys Association~~
24 ~~shall consult on voluntary guidelines for procedures governing~~
25 ~~whether or not to seek the death penalty. The guidelines do not~~
26 ~~have the force of law and are only advisory in nature.~~

1 (Source: P.A. 100-460, eff. 1-1-18; 100-513, eff. 1-1-18;
2 100-863, eff. 8-14-18; 101-223, eff. 1-1-20; 101-652, eff.
3 7-1-21.)

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

5 Sec. 12-3.05. Aggravated battery.

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

10 (1) Causes great bodily harm or permanent disability
11 or disfigurement.

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

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

24 (i) performing his or her official duties;

25 (ii) battered to prevent performance of his or her

1 official duties; or

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

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

7 (5) Strangles another individual.

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

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

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

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

1 worship.

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

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

7 (2) A person who is pregnant or has a physical
8 disability.

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

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

17 (i) performing his or her official duties;

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

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

22 (5) A judge, emergency management worker, emergency
23 medical services personnel, or utility worker:

24 (i) performing his or her official duties;

25 (ii) battered to prevent performance of his or her
26 official duties; or

1 (iii) battered in retaliation for performing his
2 or her official duties.

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

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

8 (8) A taxi driver on duty.

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

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

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

20 (12) A merchant: (i) while performing his or her
21 duties, including, but not limited to, relaying directions
22 for healthcare or safety from his or her supervisor or
23 employer or relaying health or safety guidelines,
24 recommendations, regulations, or rules from a federal,
25 State, or local public health agency; and (ii) during a
26 disaster declared by the Governor, or a state of emergency

1 declared by the mayor of the municipality in which the
2 merchant is located, due to a public health emergency and
3 for a period of 6 months after such declaration.

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

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

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

16 (i) performing his or her official duties;

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

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

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

25 (i) performing his or her official duties;

26 (ii) battered to prevent performance of his or her

1 official duties; or

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

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

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

12 (6) Discharges a machine gun or a firearm equipped
13 with a silencer, and causes any injury to a person he or
14 she knows to be a peace officer, community policing
15 volunteer, person summoned by a police officer, fireman,
16 private security officer, correctional institution
17 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 (7) Discharges a machine gun or a firearm equipped
24 with a silencer, and causes any injury to a person he or
25 she knows to be emergency medical services personnel:

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

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

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

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

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

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

26 (g) Offense based on certain conduct. A person commits

1 aggravated battery when, other than by discharge of a firearm,
2 he or she does any of the following:

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

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

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

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

26 Aggravated battery as defined in subdivision (a)(4),

1 (d) (4), or (g) (3) is a Class 2 felony.

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

4 Aggravated battery as defined in subdivision (a) (1) is a
5 Class 1 felony when the aggravated battery was intentional and
6 involved the infliction of torture, as defined in paragraph
7 (10) ~~(14)~~ of subsection (b-5) ~~(b)~~ of Section 5-8-1 of the
8 Unified Code of Corrections ~~Section 9-1 of this Code~~, as the
9 infliction of or subjection to extreme physical pain,
10 motivated by an intent to increase or prolong the pain,
11 suffering, or agony of the victim.

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

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

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

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

25 (C) the person has been previously convicted of a
26 violation of subdivision (a) (5) under the laws of this

1 State or laws similar to subdivision (a) (5) of any other
2 state.

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

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

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

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

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

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

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

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

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

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

9 (i) Definitions. In this Section:

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

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

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

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

26 "Machine gun" has the meaning ascribed to it in Section

1 24-1 of this Code.

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

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

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

9 Section 10. The Unified Code of Corrections is amended by
10 changing Sections 5-4.5-20 and 5-8-1 as follows:

11 (730 ILCS 5/5-4.5-20)

12 Sec. 5-4.5-20. FIRST DEGREE MURDER; SENTENCE. For first
13 degree murder:

14 (a) TERM. The defendant shall be sentenced to imprisonment
15 ~~or, if appropriate, death~~ under Section 9-1 of the Criminal
16 Code of 1961 or the Criminal Code of 2012 ~~(720 ILCS 5/9-1)~~.
17 Imprisonment shall be for a determinate term, subject to
18 Section 5-4.5-115 of this Code, of (1) not less than 20 years
19 and not more than 60 years; (2) not less than 60 years and not
20 more than 100 years when an extended term is imposed under
21 Section 5-8-2 ~~(730 ILCS 5/5-8-2)~~; or (3) natural life as
22 provided in Section 5-8-1 ~~(730 ILCS 5/5-8-1)~~.

23 (b) PERIODIC IMPRISONMENT. A term of periodic imprisonment
24 shall not be imposed.

1 (c) IMPACT INCARCERATION. The impact incarceration program
2 or the county impact incarceration program is not an
3 authorized disposition.

4 (d) PROBATION; CONDITIONAL DISCHARGE. A period of
5 probation or conditional discharge shall not be imposed.

6 (e) FINE. Fines may be imposed as provided in Section
7 5-4.5-50 (b) ~~(730 ILCS 5/5-4.5-50(b))~~.

8 (f) RESTITUTION. See Section 5-5-6 ~~(730 ILCS 5/5-5-6)~~
9 concerning restitution.

10 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
11 be concurrent or consecutive as provided in Section 5-8-4 ~~(730~~
12 ~~ILCS 5/5-8-4)~~ and Section 5-4.5-50 ~~(730 ILCS 5/5-4.5-50)~~.

13 (h) DRUG COURT. Drug court is not an authorized
14 disposition.

15 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 ~~(730~~
16 ~~ILCS 5/5-4.5-100)~~ concerning no credit for time spent in home
17 detention prior to judgment.

18 (j) SENTENCE CREDIT. See Section 3-6-3 ~~(730 ILCS 5/3-6-3)~~
19 for rules and regulations for sentence credit.

20 (k) ELECTRONIC MONITORING AND HOME DETENTION. Electronic
21 monitoring and home detention are not authorized dispositions,
22 except in limited circumstances as provided in Section 5-8A-3
23 ~~(730 ILCS 5/5-8A-3)~~.

24 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
25 provided in Section 3-3-8 ~~(730 ILCS 5/3-3-8)~~, the parole or
26 mandatory supervised release term shall be 3 years upon

1 release from imprisonment.

2 (Source: P.A. 100-431, eff. 8-25-17; 100-1182, eff. 6-1-19;
3 101-288, eff. 1-1-20.)

4 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

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

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

12 (1) for first degree murder,

13 (a) (blank),

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

24 (b-5) A defendant who at the time of the
25 commission of the offense has attained the age of 18 or

1 more and who has been found guilty of first degree
2 murder may be sentenced to a term of natural life
3 imprisonment if:

4 (1) the murdered individual was an inmate at
5 an institution or facility of the Department of
6 Corrections, or any similar local correctional
7 agency and was killed on the grounds thereof, or
8 the murdered individual was otherwise present in
9 such institution or facility with the knowledge
10 and approval of the chief administrative officer
11 thereof;

12 (2) the murdered individual was killed as a
13 result of the hijacking of an airplane, train,
14 ship, bus, or other public conveyance;

15 (3) the defendant committed the murder
16 pursuant to a contract, agreement, or
17 understanding by which he or she was to receive
18 money or anything of value in return for
19 committing the murder or procured another to
20 commit the murder for money or anything of value;

21 (4) the murdered individual was killed in the
22 course of another felony if:

23 (A) the murdered individual:

24 (i) was actually killed by the
25 defendant, or

26 (ii) received physical injuries

1 personally inflicted by the defendant
2 substantially contemporaneously with
3 physical injuries caused by one or more
4 persons for whose conduct the defendant is
5 legally accountable under Section 5-2 of
6 this Code, and the physical injuries
7 inflicted by either the defendant or the
8 other person or persons for whose conduct
9 he is legally accountable caused the death
10 of the murdered individual; and

11 (B) in performing the acts which caused
12 the death of the murdered individual or which
13 resulted in physical injuries personally
14 inflicted by the defendant on the murdered
15 individual under the circumstances of
16 subdivision (ii) of clause (A) of this clause
17 (4), the defendant acted with the intent to
18 kill the murdered individual or with the
19 knowledge that his or her acts created a
20 strong probability of death or great bodily
21 harm to the murdered individual or another;
22 and

23 (C) the other felony was an inherently
24 violent crime or the attempt to commit an
25 inherently violent crime. In this clause (C),
26 "inherently violent crime" includes, but is

1 not limited to, armed robbery, robbery,
2 predatory criminal sexual assault of a child,
3 aggravated criminal sexual assault, aggravated
4 kidnapping, aggravated vehicular hijacking,
5 aggravated arson, aggravated stalking,
6 residential burglary, and home invasion;

7 (5) the defendant committed the murder with
8 intent to prevent the murdered individual from
9 testifying or participating in any criminal
10 investigation or prosecution or giving material
11 assistance to the State in any investigation or
12 prosecution, either against the defendant or
13 another; or the defendant committed the murder
14 because the murdered individual was a witness in
15 any prosecution or gave material assistance to the
16 State in any investigation or prosecution, either
17 against the defendant or another; for purposes of
18 this clause (5), "participating in any criminal
19 investigation or prosecution" is intended to
20 include those appearing in the proceedings in any
21 capacity such as trial judges, prosecutors,
22 defense attorneys, investigators, witnesses, or
23 jurors;

24 (6) the defendant, while committing an offense
25 punishable under Section 401, 401.1, 401.2, 405,
26 405.2, 407 or 407.1 or subsection (b) of Section

1 404 of the Illinois Controlled Substances Act, or
2 while engaged in a conspiracy or solicitation to
3 commit such offense, intentionally killed an
4 individual or counseled, commanded, induced,
5 procured or caused the intentional killing of the
6 murdered individual;

7 (7) the defendant was incarcerated in an
8 institution or facility of the Department of
9 Corrections at the time of the murder, and while
10 committing an offense punishable as a felony under
11 Illinois law, or while engaged in a conspiracy or
12 solicitation to commit such offense, intentionally
13 killed an individual or counseled, commanded,
14 induced, procured or caused the intentional
15 killing of the murdered individual;

16 (8) the murder was committed in a cold,
17 calculated and premeditated manner pursuant to a
18 preconceived plan, scheme or design to take a
19 human life by unlawful means, and the conduct of
20 the defendant created a reasonable expectation
21 that the death of a human being would result
22 therefrom;

23 (9) the defendant was a principal
24 administrator, organizer, or leader of a
25 calculated criminal drug conspiracy consisting of
26 a hierarchical position of authority superior to

1 that of all other members of the conspiracy, and
2 the defendant counseled, commanded, induced,
3 procured, or caused the intentional killing of the
4 murdered person;

5 (10) the murder was intentional and involved
6 the infliction of torture. For the purpose of this
7 clause (10), torture means the infliction of or
8 subjection to extreme physical pain, motivated by
9 an intent to increase or prolong the pain,
10 suffering or agony of the victim;

11 (11) the murder was committed as a result of
12 the intentional discharge of a firearm by the
13 defendant from a motor vehicle and the victim was
14 not present within the motor vehicle;

15 (12) the murdered individual was a person with
16 a disability and the defendant knew or should have
17 known that the murdered individual was a person
18 with a disability. For purposes of this clause
19 (12), "person with a disability" means a person
20 who suffers from a permanent physical or mental
21 impairment resulting from disease, an injury, a
22 functional disorder, or a congenital condition
23 that renders the person incapable of adequately
24 providing for his or her own health or personal
25 care;

26 (13) the murdered individual was subject to an

1 order of protection and the murder was committed
2 by a person against whom the same order of
3 protection was issued under the Illinois Domestic
4 Violence Act of 1986;

5 (14) the murdered individual was known by the
6 defendant to be a teacher or other person employed
7 in any school and the teacher or other employee is
8 upon the grounds of a school or grounds adjacent
9 to a school, or is in any part of a building used
10 for school purposes;

11 (15) the murder was committed by the defendant
12 in connection with or as a result of the offense of
13 terrorism as defined in Section 29D-14.9 of this
14 Code;

15 (16) the murdered individual was a member of a
16 congregation engaged in prayer or other religious
17 activities at a church, synagogue, mosque, or
18 other building, structure, or place used for
19 religious worship; or

20 (17)(i) the murdered individual was a
21 physician, physician assistant, psychologist,
22 nurse, or advanced practice registered nurse;

23 (ii) the defendant knew or should have known
24 that the murdered individual was a physician,
25 physician assistant, psychologist, nurse, or
26 advanced practice registered nurse; and

1 (iii) the murdered individual was killed in
2 the course of acting in his or her capacity as a
3 physician, physician assistant, psychologist,
4 nurse, or advanced practice registered nurse, or
5 to prevent him or her from acting in that
6 capacity, or in retaliation for his or her acting
7 in that capacity.

8 (c) the court shall sentence the defendant to a
9 term of natural life imprisonment if the defendant, at
10 the time of the commission of the murder, had attained
11 the age of 18, and:

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

14 (ii) is found guilty of murdering more than
15 one victim, or

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

1 or emergency management worker, or

2 (iv) is found guilty of murdering an employee
3 of an institution or facility of the Department of
4 Corrections, or any similar local correctional
5 agency, when the employee was killed in the course
6 of performing his official duties, or to prevent
7 the employee from performing his official duties,
8 or in retaliation for the employee performing his
9 official duties, or

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

26 (vi) (blank), or

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

9 For purposes of clause (v), "emergency medical
10 technician - ambulance", "emergency medical technician
11 - intermediate", "emergency medical technician -
12 paramedic", have the meanings ascribed to them in the
13 Emergency Medical Services (EMS) Systems Act.

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

17 (ii) if, during the commission of the offense, the
18 person personally discharged a firearm, 20 years shall
19 be added to the term of imprisonment imposed by the
20 court;

21 (iii) if, during the commission of the offense,
22 the person personally discharged a firearm that
23 proximately caused great bodily harm, permanent
24 disability, permanent disfigurement, or death to
25 another person, 25 years or up to a term of natural
26 life shall be added to the term of imprisonment

1 imposed by the court.

2 (2) (blank);

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

15 (b) (Blank).

16 (c) (Blank).

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

21 (1) for first degree murder or for the offenses of
22 predatory criminal sexual assault of a child, aggravated
23 criminal sexual assault, and criminal sexual assault if
24 committed on or before December 12, 2005, 3 years;

25 (1.5) except as provided in paragraph (7) of this
26 subsection (d), for a Class X felony except for the

1 offenses of predatory criminal sexual assault of a child,
2 aggravated criminal sexual assault, and criminal sexual
3 assault if committed on or after December 13, 2005 (the
4 effective date of Public Act 94-715) and except for the
5 offense of aggravated child pornography under Section
6 11-20.1B, 11-20.3, or 11-20.1 with sentencing under
7 subsection (c-5) of Section 11-20.1 of the Criminal Code
8 of 1961 or the Criminal Code of 2012, if committed on or
9 after January 1, 2009, 18 months;

10 (2) except as provided in paragraph (7) of this
11 subsection (d), for a Class 1 felony or a Class 2 felony
12 except for the offense of criminal sexual assault if
13 committed on or after December 13, 2005 (the effective
14 date of Public Act 94-715) and except for the offenses of
15 manufacture and dissemination of child pornography under
16 clauses (a)(1) and (a)(2) of Section 11-20.1 of the
17 Criminal Code of 1961 or the Criminal Code of 2012, if
18 committed on or after January 1, 2009, 12 months;

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

23 (A) the Prisoner Review Board, based on a
24 validated risk and needs assessment, determines it is
25 necessary for an offender to serve a mandatory
26 supervised release term;

1 (B) if the Prisoner Review Board determines a
2 mandatory supervised release term is necessary
3 pursuant to subparagraph (A) of this paragraph (3),
4 the Prisoner Review Board shall specify the maximum
5 number of months of mandatory supervised release the
6 offender may serve, limited to a term of: (i) 12 months
7 for a Class 3 felony; and (ii) 12 months for a Class 4
8 felony;

9 (4) for defendants who commit the offense of predatory
10 criminal sexual assault of a child, aggravated criminal
11 sexual assault, or criminal sexual assault, on or after
12 December 13, 2005 (the effective date of Public Act
13 94-715), or who commit the offense of aggravated child
14 pornography under Section 11-20.1B, 11-20.3, or 11-20.1
15 with sentencing under subsection (c-5) of Section 11-20.1
16 of the Criminal Code of 1961 or the Criminal Code of 2012,
17 manufacture of child pornography, or dissemination of
18 child pornography after January 1, 2009, the term of
19 mandatory supervised release shall range from a minimum of
20 3 years to a maximum of the natural life of the defendant;

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

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

4 (7) for any felony described in paragraph (a)(2)(ii),
5 (a)(2)(iii), (a)(2)(iv), (a)(2)(vi), (a)(2.1), (a)(2.3),
6 (a)(2.4), (a)(2.5), or (a)(2.6) of Article 5, Section
7 3-6-3 of the Unified Code of Corrections requiring an
8 inmate to serve a minimum of 85% of their court-imposed
9 sentence, except for the offenses of predatory criminal
10 sexual assault of a child, aggravated criminal sexual
11 assault, and criminal sexual assault if committed on or
12 after December 13, 2005 (the effective date of Public Act
13 94-715) and except for the offense of aggravated child
14 pornography under Section 11-20.1B, 11-20.3, or 11-20.1
15 with sentencing under subsection (c-5) of Section 11-20.1
16 of the Criminal Code of 1961 or the Criminal Code of 2012,
17 if committed on or after January 1, 2009 and except as
18 provided in paragraph (4) or paragraph (6) of this
19 subsection (d), the term of mandatory supervised release
20 shall be as follows:

21 (A) Class X felony, 3 years;

22 (B) Class 1 or Class 2 felonies, 2 years;

23 (C) Class 3 or Class 4 felonies, 1 year.

24 (e) (Blank).

25 (f) (Blank).

26 (g) Notwithstanding any other provisions of this Act and

1 of Public Act 101-652: (i) the provisions of paragraph (3) of
2 subsection (d) are effective on January 1, 2022 and shall
3 apply to all individuals convicted on or after the effective
4 date of paragraph (3) of subsection (d); and (ii) the
5 provisions of paragraphs (1.5) and (2) of subsection (d) are
6 effective on July 1, 2021 and shall apply to all individuals
7 convicted on or after the effective date of paragraphs (1.5)
8 and (2) of subsection (d).

9 (Source: P.A. 101-288, eff. 1-1-20; 101-652, eff. 7-1-21;
10 102-28, eff. 6-25-21; 102-687, eff. 12-17-21.)