



Rep. Lakesia Collins

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10300HB2324ham001

LRB103 29904 RLC 59643 a

1 AMENDMENT TO HOUSE BILL 2324

2 AMENDMENT NO. _____. Amend House Bill 2324 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 2012 is amended by
5 changing Section 5-2 as follows:

6 (720 ILCS 5/5-2) (from Ch. 38, par. 5-2)

7 Sec. 5-2. When accountability exists.

8 (a) A person is legally accountable for the conduct of
9 another when:

10 (1) ~~(a)~~ having a mental state described by the statute
11 defining the offense, he or she causes another to perform
12 the conduct, and the other person in fact or by reason of
13 legal incapacity lacks such a mental state;

14 (2) ~~(b)~~ the statute defining the offense makes him or
15 her so accountable; or

16 (3) ~~(c)~~ either before or during the commission of an

1 offense, and with the intent to promote or facilitate that
2 commission, he or she solicits, aids, abets, agrees, or
3 attempts to aid that other person in the planning or
4 commission of the offense.

5 (b) When 2 or more persons engage in a common criminal
6 design or agreement, any acts in the furtherance of that
7 common design committed by one party are considered to be the
8 acts of all parties to the common design or agreement and all
9 are equally responsible for the consequences of those further
10 acts. Mere presence at the scene of a crime does not render a
11 person accountable for an offense; a person's presence at the
12 scene of a crime, however, may be considered with other
13 circumstances by the trier of fact when determining
14 accountability.

15 (c) A person is not so accountable, however, unless the
16 statute defining the offense provides otherwise, if:

17 (1) he or she is a victim of the offense committed;

18 (2) the offense is so defined that his or her conduct
19 was inevitably incident to its commission; or

20 (3) before the commission of the offense, he or she
21 terminates his or her effort to promote or facilitate that
22 commission and does one of the following: (i) wholly
23 deprives his or her prior efforts of effectiveness in that
24 commission, (ii) gives timely warning to the proper law
25 enforcement authorities, or (iii) otherwise makes proper
26 effort to prevent the commission of the offense.

1 (d) A person found legally accountable for the conduct of
2 another under paragraph (3) of subsection (a) and convicted of
3 an offense based on a determination that the person is
4 responsible for conduct which is an element of that offense
5 and such conduct was not that of the person himself, shall be
6 sentenced under Section 5-4.5-120 of the Unified Code of
7 Corrections.

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

9 Section 10. The Unified Code of Corrections is amended by
10 adding Section 5-4.5-120 as follows:

11 (730 ILCS 5/5-4.5-120 new)

12 Sec. 5-4.5-120. Sentencing of individuals accountable for
13 the conduct of another. A person convicted under an
14 accountability theory as set forth in subsection (d) of
15 Section 5-2 of the Criminal Code of 2012 shall be sentenced
16 under this Section. No separate sentence shall be imposed for
17 the offense in which the conduct of another person satisfied
18 an element of the offense for which the individual has been
19 found guilty.

20 (1) A person accountable for the conduct of another
21 under subsection (d) of Section 5-2 of the Criminal Code
22 of 2012 who is convicted of first degree murder, shall be
23 sentenced to imprisonment for a determinate term, subject
24 to Section 5-4.5-115, of no more than 30 years. The

1 sentence of imprisonment for an extended term for first
2 degree murder for a person accountable for the conduct of
3 another under subsection (d) of Section 5-2 of the
4 Criminal Code of 2012 shall be as provided in Section
5 5-8-2, subject to Section 5-4.5-115, and shall be no more
6 than 50 years. Except as provided in Section 3-3-8, the
7 parole or mandatory supervised release term shall be 2
8 years upon release from imprisonment.

9 (2) A person accountable for the conduct of another
10 under subsection (d) of Section 5-2 of the Criminal Code
11 of 2012 who is convicted of a Class X felony shall be
12 sentenced to imprisonment for a determinate term, subject
13 to Section 5-4.5-115, of no more than 15 years. The
14 sentence of imprisonment for an extended term for a Class
15 X felony for a person accountable for the conduct of
16 another under subsection (d) of Section 5-2 of the
17 Criminal Code of 2012 shall be as provided in Section
18 5-8-2, subject to Section 5-4.5-115, and shall be no more
19 than 30 years. Except as provided in Section 3-3-8 or
20 5-8-1, the parole or mandatory supervised release term
21 shall be 2 years upon release from imprisonment.

22 (3) A person accountable for the conduct of another
23 under subsection (d) of Section 5-2 of the Criminal Code
24 of 2012 who is convicted of a Class 1 felony, other than
25 for second degree murder, shall be sentenced for a
26 determinate term, subject to Section 5-4.5-115, of no more

1 than 7 years. The sentence of imprisonment for a person
2 accountable for the conduct of another under subsection
3 (d) of Section 5-2 of the Criminal Code of 2012 who is
4 convicted of second degree murder, shall be a determinate
5 term of no more than 10 years, subject to Section
6 5-4.5-115. The sentence of imprisonment for an extended
7 term for a Class 1 felony for a person accountable for the
8 conduct of another under subsection (d) of Section 5-2 of
9 the Criminal Code of 2012 shall be as provided in Section
10 5-8-2, subject to Section 5-4.5-115, and shall be no more
11 than 15 years. Except as provided in Section 3-3-8 or
12 5-8-1, the parole or mandatory supervised release term
13 shall be one year upon release from imprisonment.

14 (4) A person accountable for the conduct of another
15 under subsection (d) of Section 5-2 of the Criminal Code
16 of 2012 who is convicted of a Class 2 felony shall be
17 sentenced to a determinate term of no more than 3 years.
18 The sentence of imprisonment for an extended term for a
19 Class 2 felony for a person accountable for the conduct of
20 another under subsection (d) of Section 5-2 of the
21 Criminal Code of 2012 shall be as provided in Section
22 5-8-2, and shall be no more than 7 years. Except as
23 provided in Section 3-3-8 or 5-8-1, the parole or
24 mandatory supervised release term shall be one year upon
25 release from imprisonment.

26 (5) A person accountable for the conduct of another

1 under subsection (d) of Section 5-2 of the Criminal Code
2 of 2012 who is convicted of a Class 3 felony shall be
3 sentenced to a determinate term of no more than 2 years.
4 The sentence of imprisonment for an extended term for a
5 Class 3 felony for a person accountable for the conduct of
6 another under subsection (d) of Section 5-2 of the
7 Criminal Code of 2012 shall be as provided in Section
8 5-8-2 and shall be no more than 5 years. Except as provided
9 in Section 3-3-8 or 5-8-1, the parole or mandatory
10 supervised release term shall be 6 months upon release
11 from imprisonment.

12 (6) The sentence for a person accountable for the
13 conduct of another under this Act convicted of a felony
14 other than those specified in paragraphs (1), (2), (3),
15 (4), and (5) is the sentence for a Class A misdemeanor. A
16 misdemeanant may be fined or imprisoned or both.

17 (7) Except as otherwise provided in Section 5-5-3 or
18 5-7-1, a term of periodic imprisonment shall not be
19 imposed for a person accountable for the conduct of
20 another under subsection (d) of Section 5-2 of the
21 Criminal Code of 2012 who is convicted of first degree
22 murder; a sentence of periodic imprisonment shall be for a
23 definite term of 3 to 4 years for a Class X felony; a
24 sentence of periodic imprisonment shall be for a definite
25 term of 18 to 30 months for a Class 1 felony; a sentence of
26 periodic imprisonment shall be for a definite term of up

1 to 18 months for a Class 2 felony; a sentence of periodic
2 imprisonment shall be for a definite term of up to 12
3 months for a Class 3 felony; and a sentence of periodic
4 imprisonment shall be for a definite term of up to 9 months
5 for any other felony not otherwise specified in this
6 Section.

7 (8) The impact incarceration program or the county
8 impact incarceration program is not an authorized
9 disposition for a person accountable for the conduct of
10 another under subsection (d) of Section 5-2 of the
11 Criminal Code of 2012 who is convicted of first degree
12 murder. Sections 5-8-1.1 and 5-8-1.2 apply to eligibility
13 for the impact incarceration program or the county impact
14 incarceration program for all other felony classes under
15 this Section.

16 (9) A period of probation or conditional discharge
17 shall not be imposed for a person accountable for the
18 conduct of another under subsection (d) of Section 5-2 of
19 the Criminal Code of 2012 who is convicted of first degree
20 murder. Except as provided in Section 5-5-3 or 5-6-2, the
21 period of probation or conditional discharge shall not
22 exceed:

23 (A) 4 years for a person accountable for the
24 conduct of another under subsection (d) of Section 5-2
25 of the Criminal Code of 2012 who is convicted of a
26 Class X felony. In no case shall an offender be

1 eligible for a disposition of probation or conditional
2 discharge for a Class X felony committed while he or
3 she was serving a term of probation or conditional
4 discharge for a felony;

5 (B) 3 years for a person accountable for the
6 conduct of another under subsection (d) of Section 5-2
7 of the Criminal Code of 2012 who is convicted of a
8 Class 1 felony under this Section;

9 (C) 30 months for a person accountable for the
10 conduct of another under subsection (d) of Section 5-2
11 of the Criminal Code of 2012 who is convicted of a
12 Class 2 felony under this Section;

13 (D) 24 months for a person accountable for the
14 conduct of another subsection (d) of Section 5-2 of
15 the Criminal Code of 2012 who is convicted of a Class 3
16 felony under this Section; and

17 (E) 18 months for a person accountable for the
18 conduct of another under subsection (d) of Section 5-2
19 of the Criminal Code of 2012 who is convicted of a
20 felony other than those specified in paragraph (9).

21 (F) The court shall specify the conditions of
22 probation or conditional discharge as set forth in
23 Section 5-6-3.

24 (10) Fines may be imposed as provided in Section
25 5-4.5-50.

26 (11) Restitution for individuals accountable for the

1 conduct of another may be imposed as provided in Section
2 5-5-6.

3 (12) The sentence shall be concurrent or consecutive
4 as provided in Sections 5-8-4 and 5-4.5-50.

5 (13) Section 20 of the Drug Court Treatment Act
6 applies to eligibility for a drug court program by a
7 person accountable for the conduct of another subsection
8 (d) of Section 5-2 of the Criminal Code of 2012.

9 (14) Section 5-4.5-100 applies to credit for time
10 spent in home detention prior to judgment of conviction
11 for a person accountable for the conduct of another under
12 subsection (d) of Section 5-2 of the Criminal Code of
13 2012.

14 (15) Section 3-6-3 or the County Jail Good Behavior
15 Allowance Act applies to rules and regulations for
16 sentence credit of a person accountable for the conduct of
17 another under subsection (d) of Section 5-2 of the
18 Criminal Code of 2012.

19 (16) Section 5-8A-3 applies to the eligibility of a
20 person accountable for the conduct of another under
21 subsection (d) of Section 5-2 of the Criminal Code of 2012
22 for electronic monitoring and home detention."