

# HB4673



## 103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

**HB4673**

Introduced 2/6/2024, by Rep. Bradley Fritts

### SYNOPSIS AS INTRODUCED:

720 ILCS 5/8-4

from Ch. 38, par. 8-4

Amends the Criminal Code of 2012. Provides that an attempt to commit first degree murder when at least one of specified aggravating factors is present is a Class X felony for which the sentence shall be a term of imprisonment of not less than 40 years and up to a term of natural life (rather than not less than 20 years and not more than 80 years).

LRB103 35642 RLC 65717 b

A BILL FOR

1 AN ACT concerning criminal law.

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

4 Section 5. The Criminal Code of 2012 is amended by  
5 changing Section 8-4 as follows:

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

7 (Text of Section before amendment by P.A. 103-51)

8 Sec. 8-4. Attempt.

9 (a) Elements of the offense.

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

14 (b) Impossibility.

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

18 (c) Sentence.

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

23 (1) the sentence for attempt to commit first degree

1 murder is the sentence for a Class X felony, except that

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

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

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

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

24 (E) if the defendant proves by a preponderance of  
25 the evidence at sentencing that, at the time of the  
26 attempted murder, he or she was acting under a sudden

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

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

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

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

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

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

19 (Text of Section after amendment by P.A. 103-51)

20 Sec. 8-4. Attempt.

21 (a) Elements of the offense.

22 A person commits the offense of attempt when, with intent  
23 to commit a specific offense, he or she does any act that  
24 constitutes a substantial step toward the commission of that  
25 offense.

1 (b) Impossibility.

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

5 (c) Sentence.

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

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

12 (A) an attempt to commit first degree murder when  
13 at least one of the aggravating factors specified in  
14 clauses (iii), (iv), and (v) of subsection (a)(1)(c)  
15 of Section 5-8-1 of the Unified Code of Corrections is  
16 present is a Class X felony for which the sentence  
17 shall be a term of imprisonment of not less than 40 ~~20~~  
18 years and up to a term of natural life ~~not more than 80~~  
19 ~~years;~~

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

24 (C) an attempt to commit first degree murder  
25 during which the person personally discharged a  
26 firearm is a Class X felony for which 20 years shall be

1 added to the term of imprisonment imposed by the  
2 court;

3 (D) an attempt to commit first degree murder  
4 during which the person personally discharged a  
5 firearm that proximately caused great bodily harm,  
6 permanent disability, permanent disfigurement, or  
7 death to another person is a Class X felony for which  
8 25 years or up to a term of natural life shall be added  
9 to the term of imprisonment imposed by the court; and

10 (E) if the defendant proves by a preponderance of  
11 the evidence at sentencing that, at the time of the  
12 attempted murder, he or she was acting under a sudden  
13 and intense passion resulting from serious provocation  
14 by the individual whom the defendant endeavored to  
15 kill, or another, and, had the individual the  
16 defendant endeavored to kill died, the defendant would  
17 have negligently or accidentally caused that death,  
18 then the sentence for the attempted murder is the  
19 sentence for a Class 1 felony;

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

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

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

26 (5) the sentence for attempt to commit any felony

1           other than those specified in items (1), (2), (3), and (4)  
2           of this subsection (c) is the sentence for a Class A  
3           misdemeanor.

4           (Source: P.A. 103-51, eff. 1-1-24.)

5           Section 95. No acceleration or delay. Where this Act makes  
6           changes in a statute that is represented in this Act by text  
7           that is not yet or no longer in effect (for example, a Section  
8           represented by multiple versions), the use of that text does  
9           not accelerate or delay the taking effect of (i) the changes  
10          made by this Act or (ii) provisions derived from any other  
11          Public Act.