



Rep. Kelly M. Cassidy

Filed: 2/28/2024

10300HB5037ham001

LRB103 37909 RLC 70146 a

1 AMENDMENT TO HOUSE BILL 5037

2 AMENDMENT NO. _____. Amend House Bill 5037 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 2012 is amended by
5 changing Sections 8-4, 9-1.2, 10-2, 11-1.30, 11-1.40, 12-3.05,
6 18-2, 18-4, and 19-6 as follows:

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

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

1 impossible for the accused to commit the offense attempted.

2 (c) Sentence.

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

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

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

16 (B) an attempt to commit first degree murder while
17 armed with a firearm is a Class X felony for which up
18 to 15 years may ~~shall~~ be added to the term of
19 imprisonment imposed by the court if the person
20 committed the offense while personally armed with the
21 firearm and while personally displaying the firearm;

22 (C) an attempt to commit first degree murder
23 during which the person personally discharged a
24 firearm is a Class X felony for which up to 20 years
25 may ~~shall~~ be added to the term of imprisonment imposed
26 by the court;

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

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

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

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

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

25 (5) the sentence for attempt to commit any felony
26 other than those specified in items (1), (2), (3), and (4)

1 of this subsection (c) is the sentence for a Class A
2 misdemeanor.

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

4 (720 ILCS 5/9-1.2) (from Ch. 38, par. 9-1.2)

5 Sec. 9-1.2. Intentional homicide of an unborn child.

6 (a) A person commits the offense of intentional homicide
7 of an unborn child if, in performing acts which cause the death
8 of an unborn child, he without lawful justification:

9 (1) either intended to cause the death of or do great
10 bodily harm to the pregnant individual or unborn child or
11 knew that such acts would cause death or great bodily harm
12 to the pregnant individual or unborn child; or

13 (2) knew that his acts created a strong probability of
14 death or great bodily harm to the pregnant individual or
15 unborn child; and

16 (3) knew that the individual was pregnant.

17 (b) For purposes of this Section, (1) "unborn child" shall
18 mean any individual of the human species from the implantation
19 of an embryo until birth, and (2) "person" shall not include
20 the pregnant woman whose unborn child is killed.

21 (c) This Section shall not apply to acts which cause the
22 death of an unborn child if those acts were committed during
23 any abortion, as defined in Section 1-10 of the Reproductive
24 Health Act, to which the pregnant individual has consented.
25 This Section shall not apply to acts which were committed

1 pursuant to usual and customary standards of medical practice
2 during diagnostic testing or therapeutic treatment.

3 (d) Penalty. The sentence for intentional homicide of an
4 unborn child shall be the same as for first degree murder,
5 except that:

6 (1) (blank);

7 (2) if the person committed the offense while
8 personally armed with a firearm, and while personally
9 displaying the firearm, up to 15 years may ~~shall~~ be added
10 to the term of imprisonment imposed by the court;

11 (3) if, during the commission of the offense, the
12 person personally discharged a firearm, up to 20 years may
13 ~~shall~~ be added to the term of imprisonment imposed by the
14 court;

15 (4) if, during the commission of the offense, the
16 person personally discharged a firearm that proximately
17 caused great bodily harm, permanent disability, permanent
18 disfigurement, or death to another person, up to 25 years
19 may ~~or up to a term of natural life shall~~ be added to the
20 term of imprisonment imposed by the court.

21 (e) The provisions of this Act shall not be construed to
22 prohibit the prosecution of any person under any other
23 provision of law.

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

25 (720 ILCS 5/10-2) (from Ch. 38, par. 10-2)

1 Sec. 10-2. Aggravated kidnaping.

2 (a) A person commits the offense of aggravated kidnaping
3 when he or she commits kidnapping and:

4 (1) kidnaps with the intent to obtain ransom from the
5 person kidnaped or from any other person;

6 (2) takes as his or her victim a child under the age of
7 13 years, or a person with a severe or profound
8 intellectual disability;

9 (3) inflicts great bodily harm, other than by the
10 discharge of a firearm, or commits another felony upon his
11 or her victim;

12 (4) wears a hood, robe, or mask or conceals his or her
13 identity;

14 (5) commits the offense of kidnaping while armed with
15 a dangerous weapon, other than a firearm, as defined in
16 Section 33A-1 of this Code;

17 (6) commits the offense of kidnaping while armed with
18 a firearm;

19 (7) during the commission of the offense of kidnaping,
20 personally discharges a firearm; or

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

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

1 (b) Sentence. Aggravated kidnaping in violation of
2 paragraph (1), (2), (3), (4), or (5) of subsection (a) is a
3 Class X felony. A violation of subsection (a)(6) is a Class X
4 felony for which up to 15 years may ~~shall~~ be added to the term
5 of imprisonment imposed by the court, if the person committed
6 the offense while personally armed with a firearm, and while
7 personally displaying the firearm. A violation of subsection
8 (a)(7) is a Class X felony for which up to 20 years may ~~shall~~
9 be added to the term of imprisonment imposed by the court. A
10 violation of subsection (a)(8) is a Class X felony for which up
11 to 25 years may ~~or up to a term of natural life shall~~ be added
12 to the term of imprisonment imposed by the court. An offender
13 under the age of 18 years at the time of the commission of
14 aggravated kidnaping in violation of paragraphs (1) through
15 (8) of subsection (a) shall be sentenced under Section
16 5-4.5-105 of the Unified Code of Corrections.

17 A person who has attained the age of 18 years at the time
18 of the commission of the offense and who is convicted of a
19 second or subsequent offense of aggravated kidnaping shall be
20 sentenced to a term of natural life imprisonment; except that
21 a sentence of natural life imprisonment shall not be imposed
22 under this Section unless the second or subsequent offense was
23 committed after conviction on the first offense. An offender
24 under the age of 18 years at the time of the commission of the
25 second or subsequent offense shall be sentenced under Section
26 5-4.5-105 of the Unified Code of Corrections.

1 (Source: P.A. 99-69, eff. 1-1-16; 99-143, eff. 7-27-15;
2 99-642, eff. 7-28-16.)

3 (720 ILCS 5/11-1.30) (was 720 ILCS 5/12-14)

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

5 (a) A person commits aggravated criminal sexual assault if
6 that person commits criminal sexual assault and any of the
7 following aggravating circumstances exist during the
8 commission of the offense or, for purposes of paragraph (7),
9 occur as part of the same course of conduct as the commission
10 of the offense:

11 (1) the person displays, threatens to use, or uses a
12 dangerous weapon, other than a firearm, or any other
13 object fashioned or used in a manner that leads the
14 victim, under the circumstances, reasonably to believe
15 that the object is a dangerous weapon;

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

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

20 (4) the person commits the criminal sexual assault
21 during the course of committing or attempting to commit
22 any other felony;

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

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

25 (7) the person delivers (by injection, inhalation,

1 ingestion, transfer of possession, or any other means) any
2 controlled substance to the victim without the victim's
3 consent or by threat or deception for other than medical
4 purposes;

5 (8) the person is armed with a firearm;

6 (9) the person personally discharges a firearm during
7 the commission of the offense; or

8 (10) the person personally discharges a firearm during
9 the commission of the offense, and that discharge
10 proximately causes great bodily harm, permanent
11 disability, permanent disfigurement, or death to another
12 person.

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

19 (c) A person commits aggravated criminal sexual assault if
20 that person commits an act of sexual penetration with a victim
21 who is a person with a severe or profound intellectual
22 disability.

23 (d) Sentence.

24 (1) Aggravated criminal sexual assault in violation of
25 paragraph (2), (3), (4), (5), (6), or (7) of subsection

26 (a) or in violation of subsection (b) or (c) is a Class X

1 felony. A violation of subsection (a)(1) is a Class X
2 felony for which 10 years shall be added to the term of
3 imprisonment imposed by the court. A violation of
4 subsection (a)(8) is a Class X felony for which up to 15
5 years may ~~shall~~ be added to the term of imprisonment
6 imposed by the court, if the person committed the offense
7 while personally armed with a firearm, and while
8 personally displaying the firearm. A violation of
9 subsection (a)(9) is a Class X felony for which up to 20
10 years may ~~shall~~ be added to the term of imprisonment
11 imposed by the court. A violation of subsection (a)(10) is
12 a Class X felony for which up to 25 years may ~~or up to a~~
13 ~~term of natural life imprisonment shall~~ be added to the
14 term of imprisonment imposed by the court. An offender
15 under the age of 18 years at the time of the commission of
16 aggravated criminal sexual assault in violation of
17 paragraphs (1) through (10) of subsection (a) shall be
18 sentenced under Section 5-4.5-105 of the Unified Code of
19 Corrections.

20 (2) A person who has attained the age of 18 years at
21 the time of the commission of the offense and who is
22 convicted of a second or subsequent offense of aggravated
23 criminal sexual assault, or who is convicted of the
24 offense of aggravated criminal sexual assault after having
25 previously been convicted of the offense of criminal
26 sexual assault or the offense of predatory criminal sexual

1 assault of a child, or who is convicted of the offense of
2 aggravated criminal sexual assault after having previously
3 been convicted under the laws of this or any other state of
4 an offense that is substantially equivalent to the offense
5 of criminal sexual assault, the offense of aggravated
6 criminal sexual assault or the offense of predatory
7 criminal sexual assault of a child, shall be sentenced to
8 a term of natural life imprisonment. The commission of the
9 second or subsequent offense is required to have been
10 after the initial conviction for this paragraph (2) to
11 apply. An offender under the age of 18 years at the time of
12 the commission of the offense covered by this paragraph
13 (2) shall be sentenced under Section 5-4.5-105 of the
14 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 5/11-1.40) (was 720 ILCS 5/12-14.1)

18 Sec. 11-1.40. Predatory criminal sexual assault of a
19 child.

20 (a) A person commits predatory criminal sexual assault of
21 a child if that person is 17 years of age or older, and commits
22 an act of contact, however slight, between the sex organ or
23 anus of one person and the part of the body of another for the
24 purpose of sexual gratification or arousal of the victim or
25 the accused, or an act of sexual penetration, and:

- 1 (1) the victim is under 13 years of age; or
- 2 (2) the victim is under 13 years of age and that
- 3 person:
- 4 (A) is armed with a firearm;
- 5 (B) personally discharges a firearm during the
- 6 commission of the offense;
- 7 (C) causes great bodily harm to the victim that:
- 8 (i) results in permanent disability; or
- 9 (ii) is life threatening; or
- 10 (D) delivers (by injection, inhalation, ingestion,
- 11 transfer of possession, or any other means) any
- 12 controlled substance to the victim without the
- 13 victim's consent or by threat or deception, for other
- 14 than medical purposes.

15 (b) Sentence.

16 (1) A person convicted of a violation of subsection

17 (a)(1) commits a Class X felony, for which the person

18 shall be sentenced to a term of imprisonment of not less

19 than 6 years and not more than 60 years. A person convicted

20 of a violation of subsection (a)(2)(A) commits a Class X

21 felony for which up to 15 years may ~~shall~~ be added to the

22 term of imprisonment imposed by the court, if the person

23 committed the offense while personally armed with a

24 firearm, and while personally displaying the firearm. A

25 person convicted of a violation of subsection (a)(2)(B)

26 commits a Class X felony for which up to 20 years may ~~shall~~

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

13 (1.1) A person convicted of a violation of subsection
14 (a) (2) (D) commits a Class X felony for which the person
15 shall be sentenced to a term of imprisonment of not less
16 than 50 years and not more than 60 years. An offender under
17 the age of 18 years at the time of the commission of
18 predatory criminal sexual assault of a child in violation
19 of subsection (a) (2) (D) shall be sentenced under Section
20 5-4.5-105 of the Unified Code of Corrections.

21 (1.2) A person who has attained the age of 18 years at
22 the time of the commission of the offense and convicted of
23 predatory criminal sexual assault of a child committed
24 against 2 or more persons regardless of whether the
25 offenses occurred as the result of the same act or of
26 several related or unrelated acts shall be sentenced to a

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

1 (Source: P.A. 98-370, eff. 1-1-14; 98-756, eff. 7-16-14;
2 98-903, eff. 8-15-14; 99-69, eff. 1-1-16.)

3 (720 ILCS 5/12-3.05) (was 720 ILCS 5/12-4)

4 Sec. 12-3.05. Aggravated battery.

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

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

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

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

23 (i) performing his or her official duties;

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

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

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

6 (5) Strangles another individual.

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

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

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

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

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

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

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

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

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

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

23 (i) performing his or her official duties;

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

26 (iii) battered in retaliation for performing his

1 or her official duties.

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

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

7 (8) A taxi driver on duty.

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

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

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

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

1 merchant is located, due to a public health emergency and
2 for a period of 6 months after such declaration.

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

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

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

15 (i) performing his or her official duties;

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

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

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

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

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

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

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

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

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

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

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

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

25 (g) Offense based on certain conduct. A person commits
26 aggravated battery when, other than by discharge of a firearm,

1 he or she does any of the following:

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

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

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

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

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

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

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

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

16 Aggravated battery under subdivision (a)(5) is a Class 1
17 felony if:

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

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

23 (C) the person has been previously convicted of a
24 violation of subdivision (a)(5) under the laws of this
25 State or laws similar to subdivision (a)(5) of any other
26 state.

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

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

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

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

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

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

21 (1) if the person committed the offense while
22 personally armed with a firearm, and while personally
23 displaying the firearm, up to 15 years may ~~shall~~ be added
24 to the term of imprisonment imposed by the court;

25 (2) if, during the commission of the offense, the
26 person personally discharged a firearm, up to 20 years may

1 ~~shall~~ be added to the term of imprisonment imposed by the
2 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, up to 25 years
7 ~~may or up to a term of natural life shall~~ be added to the
8 term of 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. 103-51, eff. 1-1-24.)

9 (720 ILCS 5/18-2) (from Ch. 38, par. 18-2)

10 Sec. 18-2. Armed robbery.

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

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

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

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

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

24 (b) Sentence.

25 Armed robbery in violation of subsection (a) (1) is a Class

1 X felony. A violation of subsection (a) (2) is a Class X felony
2 for which up to 15 years may ~~shall~~ be added to the term of
3 imprisonment imposed by the court, if the person committed the
4 offense while personally armed with a firearm, and while
5 personally displaying the firearm. A violation of subsection
6 (a) (3) is a Class X felony for which up to 20 years may ~~shall~~
7 be added to the term of imprisonment imposed by the court. A
8 violation of subsection (a) (4) is a Class X felony for which up
9 to 25 years may ~~or up to a term of natural life shall~~ be added
10 to the term of imprisonment imposed by the court.

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

12 (720 ILCS 5/18-4)

13 Sec. 18-4. Aggravated vehicular hijacking.

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

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

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

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

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

1 (5) he or she, during the commission of the offense,
2 personally discharges a firearm; or

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

7 (b) Sentence. Aggravated vehicular hijacking in violation
8 of subsections (a)(1) or (a)(2) is a Class X felony. A
9 violation of subsection (a)(3) is a Class X felony for which a
10 term of imprisonment of not less than 7 years shall be imposed.
11 A violation of subsection (a)(4) is a Class X felony for which
12 up to 15 years may ~~shall~~ be added to the term of imprisonment
13 imposed by the court, if the person committed the offense
14 while personally armed with a firearm, and while personally
15 displaying the firearm. A violation of subsection (a)(5) is a
16 Class X felony for which up to 20 years may ~~shall~~ be added to
17 the term of imprisonment imposed by the court. A violation of
18 subsection (a)(6) is a Class X felony for which up to 25 years
19 ~~may or up to a term of natural life shall~~ be added to the term
20 of imprisonment imposed by the court.

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

22 (720 ILCS 5/19-6) (was 720 ILCS 5/12-11)

23 Sec. 19-6. Home Invasion.

24 (a) A person who is not a peace officer acting in the line
25 of duty commits home invasion when without authority he or she

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

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

17 (2) Intentionally causes any injury, except as
18 provided in subsection (a)(5), to any person or persons
19 within the dwelling place, or

20 (3) While armed with a firearm uses force or threatens
21 the imminent use of force upon any person or persons
22 within the dwelling place whether or not injury occurs, or

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

1 (5) Personally discharges a firearm that proximately
2 causes great bodily harm, permanent disability, permanent
3 disfigurement, or death to another person within the
4 dwelling place, or

5 (6) Commits, against any person or persons within that
6 dwelling place, a violation of Section 11-1.20, 11-1.30,
7 11-1.40, 11-1.50, or 11-1.60 of this Code.

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

16 (c) Sentence. Home invasion in violation of subsection
17 (a) (1), (a) (2) or (a) (6) is a Class X felony. A violation of
18 subsection (a) (3) is a Class X felony for which up to 15 years
19 may ~~shall~~ be added to the term of imprisonment imposed by the
20 court, if the person committed the offense while personally
21 armed with a firearm, and while personally displaying the
22 firearm. A violation of subsection (a) (4) is a Class X felony
23 for which up to 20 years may ~~shall~~ be added to the term of
24 imprisonment imposed by the court. A violation of subsection
25 (a) (5) is a Class X felony for which up to 25 years may ~~or up~~
26 ~~to a term of natural life shall~~ be added to the term of

1 imprisonment imposed by the court.

2 (d) For purposes of this Section, "dwelling place of
3 another" includes a dwelling place where the defendant
4 maintains a tenancy interest but from which the defendant has
5 been barred by a divorce decree, judgment of dissolution of
6 marriage, order of protection, or other court order.

7 (Source: P.A. 96-1113, eff. 1-1-11; 96-1551, eff. 7-1-11;
8 97-1108, eff. 1-1-13; 97-1150, eff. 1-25-13.)

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

11 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

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

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

19 (1) for first degree murder,

20 (a) (blank),

21 (b) if a trier of fact finds beyond a reasonable
22 doubt that the murder was accompanied by exceptionally
23 brutal or heinous behavior indicative of wanton
24 cruelty or, except as set forth in subsection

1 (a) (1) (c) of this Section, that any of the aggravating
2 factors listed in subparagraph (b-5) are present, the
3 court may sentence the defendant, subject to Section
4 5-4.5-105, to a term of natural life imprisonment, or

5 (b-5) A defendant who at the time of the
6 commission of the offense has attained the age of 18 or
7 more and who has been found guilty of first degree
8 murder may be sentenced to a term of natural life
9 imprisonment if:

10 (1) the murdered individual was an inmate at
11 an institution or facility of the Department of
12 Corrections, or any similar local correctional
13 agency and was killed on the grounds thereof, or
14 the murdered individual was otherwise present in
15 such institution or facility with the knowledge
16 and approval of the chief administrative officer
17 thereof;

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

21 (3) the defendant committed the murder
22 pursuant to a contract, agreement, or
23 understanding by which he or she was to receive
24 money or anything of value in return for
25 committing the murder or procured another to
26 commit the murder for money or anything of value;

1 (4) the murdered individual was killed in the
2 course of another felony if:

3 (A) the murdered individual:

4 (i) was actually killed by the
5 defendant, or

6 (ii) received physical injuries
7 personally inflicted by the defendant
8 substantially contemporaneously with
9 physical injuries caused by one or more
10 persons for whose conduct the defendant is
11 legally accountable under Section 5-2 of
12 this Code, and the physical injuries
13 inflicted by either the defendant or the
14 other person or persons for whose conduct
15 he is legally accountable caused the death
16 of the murdered individual; and (B) in
17 performing the acts which caused the death
18 of the murdered individual or which
19 resulted in physical injuries personally
20 inflicted by the defendant on the murdered
21 individual under the circumstances of
22 subdivision (ii) of clause (A) of this
23 clause (4), the defendant acted with the
24 intent to kill the murdered individual or
25 with the knowledge that his or her acts
26 created a strong probability of death or

1 great bodily harm to the murdered
2 individual or another; and

3 (B) in performing the acts which caused
4 the death of the murdered individual or which
5 resulted in physical injuries personally
6 inflicted by the defendant on the murdered
7 individual under the circumstances of
8 subdivision (ii) of clause (A) of this clause
9 (4), the defendant acted with the intent to
10 kill the murdered individual or with the
11 knowledge that his or her acts created a
12 strong probability of death or great bodily
13 harm to the murdered individual or another;
14 and

15 (C) the other felony was an inherently
16 violent crime or the attempt to commit an
17 inherently violent crime. In this clause (C),
18 "inherently violent crime" includes, but is
19 not limited to, armed robbery, robbery,
20 predatory criminal sexual assault of a child,
21 aggravated criminal sexual assault, aggravated
22 kidnapping, aggravated vehicular hijacking,
23 aggravated arson, aggravated stalking,
24 residential burglary, and home invasion;

25 (5) the defendant committed the murder with
26 intent to prevent the murdered individual from

1 testifying or participating in any criminal
2 investigation or prosecution or giving material
3 assistance to the State in any investigation or
4 prosecution, either against the defendant or
5 another; or the defendant committed the murder
6 because the murdered individual was a witness in
7 any prosecution or gave material assistance to the
8 State in any investigation or prosecution, either
9 against the defendant or another; for purposes of
10 this clause (5), "participating in any criminal
11 investigation or prosecution" is intended to
12 include those appearing in the proceedings in any
13 capacity such as trial judges, prosecutors,
14 defense attorneys, investigators, witnesses, or
15 jurors;

16 (6) the defendant, while committing an offense
17 punishable under Section 401, 401.1, 401.2, 405,
18 405.2, 407 or 407.1 or subsection (b) of Section
19 404 of the Illinois Controlled Substances Act, or
20 while engaged in a conspiracy or solicitation to
21 commit such offense, intentionally killed an
22 individual or counseled, commanded, induced,
23 procured or caused the intentional killing of the
24 murdered individual;

25 (7) the defendant was incarcerated in an
26 institution or facility of the Department of

1 Corrections at the time of the murder, and while
2 committing an offense punishable as a felony under
3 Illinois law, or while engaged in a conspiracy or
4 solicitation to commit such offense, intentionally
5 killed an individual or counseled, commanded,
6 induced, procured or caused the intentional
7 killing of the murdered individual;

8 (8) the murder was committed in a cold,
9 calculated and premeditated manner pursuant to a
10 preconceived plan, scheme or design to take a
11 human life by unlawful means, and the conduct of
12 the defendant created a reasonable expectation
13 that the death of a human being would result
14 therefrom;

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

23 (10) the murder was intentional and involved
24 the infliction of torture. For the purpose of this
25 clause (10), torture means the infliction of or
26 subjection to extreme physical pain, motivated by

1 an intent to increase or prolong the pain,
2 suffering or agony of the victim;

3 (11) the murder was committed as a result of
4 the intentional discharge of a firearm by the
5 defendant from a motor vehicle and the victim was
6 not present within the motor vehicle;

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

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

23 (14) the murdered individual was known by the
24 defendant to be a teacher or other person employed
25 in any school and the teacher or other employee is
26 upon the grounds of a school or grounds adjacent

1 to a school, or is in any part of a building used
2 for school purposes;

3 (15) the murder was committed by the defendant
4 in connection with or as a result of the offense of
5 terrorism as defined in Section 29D-14.9 of this
6 Code;

7 (16) the murdered individual was a member of a
8 congregation engaged in prayer or other religious
9 activities at a church, synagogue, mosque, or
10 other building, structure, or place used for
11 religious worship; or

12 (17)(i) the murdered individual was a
13 physician, physician assistant, psychologist,
14 nurse, or advanced practice registered nurse;

15 (ii) the defendant knew or should have known
16 that the murdered individual was a physician,
17 physician assistant, psychologist, nurse, or
18 advanced practice registered nurse; and

19 (iii) the murdered individual was killed in
20 the course of acting in his or her capacity as a
21 physician, physician assistant, psychologist,
22 nurse, or advanced practice registered nurse, or
23 to prevent him or her from acting in that
24 capacity, or in retaliation for his or her acting
25 in that capacity.

26 (c) the court shall sentence the defendant to a

1 term of natural life imprisonment if the defendant, at
2 the time of the commission of the murder, had attained
3 the age of 18, and:

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

6 (ii) is found guilty of murdering more than
7 one victim, or

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

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

1 official duties, or

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

18 (vi) (blank), or

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

1 For purposes of clause (v), "emergency medical
2 technician - ambulance", "emergency medical technician
3 - intermediate", "emergency medical technician -
4 paramedic", have the meanings ascribed to them in the
5 Emergency Medical Services (EMS) Systems Act.

6 (d) (i) if the person committed the offense while
7 personally armed with a firearm, and while
8 personally displaying the firearm, up to 15 years
9 may ~~shall~~ be added to the term of imprisonment
10 imposed by the court;

11 (ii) if, during the commission of the offense, the
12 person personally discharged a firearm, up to 20 years
13 may ~~shall~~ be added to the term of imprisonment imposed
14 by the court;

15 (iii) if, during the commission of the offense,
16 the person personally discharged a firearm that
17 proximately caused great bodily harm, permanent
18 disability, permanent disfigurement, or death to
19 another person, up to 25 years may ~~or up to a term of~~
20 ~~natural life shall~~ be added to the term of
21 imprisonment imposed by the court.

22 (2) (blank);

23 (2.5) for a person who has attained the age of 18 years
24 at the time of the commission of the offense and who is
25 convicted under the circumstances described in subdivision
26 (b) (1) (B) of Section 11-1.20 or paragraph (3) of

1 subsection (b) of Section 12-13, subdivision (d)(2) of
2 Section 11-1.30 or paragraph (2) of subsection (d) of
3 Section 12-14, subdivision (b)(1.2) of Section 11-1.40 or
4 paragraph (1.2) of subsection (b) of Section 12-14.1,
5 subdivision (b)(2) of Section 11-1.40 or paragraph (2) of
6 subsection (b) of Section 12-14.1 of the Criminal Code of
7 1961 or the Criminal Code of 2012, the sentence shall be a
8 term of natural life imprisonment.

9 (b) (Blank).

10 (c) (Blank).

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

15 (1) for first degree murder or for the offenses of
16 predatory criminal sexual assault of a child, aggravated
17 criminal sexual assault, and criminal sexual assault if
18 committed on or before December 12, 2005, 3 years;

19 (1.5) except as provided in paragraph (7) of this
20 subsection (d), for a Class X felony except for the
21 offenses of predatory criminal sexual assault of a child,
22 aggravated criminal sexual assault, and criminal sexual
23 assault if committed on or after December 13, 2005 (the
24 effective date of Public Act 94-715) and except for the
25 offense of aggravated child pornography under Section
26 11-20.1B, 11-20.3, or 11-20.1 with sentencing under

1 subsection (c-5) of Section 11-20.1 of the Criminal Code
2 of 1961 or the Criminal Code of 2012, if committed on or
3 after January 1, 2009, 18 months;

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

13 (3) except as provided in paragraph (4), (6), or (7)
14 of this subsection (d), for a Class 3 felony or a Class 4
15 felony, 6 months; no later than 45 days after the onset of
16 the term of mandatory supervised release, the Prisoner
17 Review Board shall conduct a discretionary discharge
18 review pursuant to the provisions of Section 3-3-8, which
19 shall include the results of a standardized risk and needs
20 assessment tool administered by the Department of
21 Corrections; the changes to this paragraph (3) made by
22 this amendatory Act of the 102nd General Assembly apply to
23 all individuals released on mandatory supervised release
24 on or after the effective date of this amendatory Act of
25 the 102nd General Assembly, including those individuals
26 whose sentences were imposed prior to the effective date

1 of this amendatory Act of the 102nd General Assembly;

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 December 13, 2005 (the effective date of Public Act
6 94-715), or who commit the offense of aggravated child
7 pornography under Section 11-20.1B, 11-20.3, or 11-20.1
8 with sentencing under subsection (c-5) of Section 11-20.1
9 of the Criminal Code of 1961 or the Criminal Code of 2012,
10 manufacture of child pornography, or dissemination of
11 child pornography after January 1, 2009, the term of
12 mandatory supervised release shall range from a minimum of
13 3 years to a maximum of the natural life of the defendant;

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

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

23 (7) for any felony described in paragraph (a)(2)(ii),
24 (a)(2)(iii), (a)(2)(iv), (a)(2)(vi), (a)(2.1), (a)(2.3),
25 (a)(2.4), (a)(2.5), or (a)(2.6) of Article 5, Section
26 3-6-3 of the Unified Code of Corrections requiring an

1 inmate to serve a minimum of 85% of their court-imposed
2 sentence, except for the offenses of predatory criminal
3 sexual assault of a child, aggravated criminal sexual
4 assault, and criminal sexual assault if committed on or
5 after December 13, 2005 (the effective date of Public Act
6 94-715) and except for the offense of aggravated child
7 pornography under Section 11-20.1B, 11-20.3, or 11-20.1
8 with sentencing under subsection (c-5) of Section 11-20.1
9 of the Criminal Code of 1961 or the Criminal Code of 2012,
10 if committed on or after January 1, 2009 and except as
11 provided in paragraph (4) or paragraph (6) of this
12 subsection (d), the term of mandatory supervised release
13 shall be as follows:

14 (A) Class X felony, 3 years;

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

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

17 (e) (Blank).

18 (f) (Blank).

19 (g) Notwithstanding any other provisions of this Act and
20 of Public Act 101-652: (i) the provisions of paragraph (3) of
21 subsection (d) are effective on July 1, 2022 and shall apply to
22 all individuals convicted on or after the effective date of
23 paragraph (3) of subsection (d); and (ii) the provisions of
24 paragraphs (1.5) and (2) of subsection (d) are effective on
25 July 1, 2021 and shall apply to all individuals convicted on or
26 after the effective date of paragraphs (1.5) and (2) of

1 subsection (d).

2 (Source: P.A. 102-28, eff. 6-25-21; 102-687, eff. 12-17-21;

3 102-694, eff. 1-7-22; 102-1104, eff. 12-6-22; 103-51, eff.

4 1-1-24.)".