



## 103RD GENERAL ASSEMBLY

### State of Illinois

### 2023 and 2024

#### HB5037

Introduced 2/8/2024, by Rep. Kelly M. Cassidy

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/8-4	from Ch. 38, par. 8-4
720 ILCS 5/9-1.2	from Ch. 38, par. 9-1.2
720 ILCS 5/10-2	from Ch. 38, par. 10-2
720 ILCS 5/11-1.30	was 720 ILCS 5/12-14
720 ILCS 5/11-1.40	was 720 ILCS 5/12-14.1
720 ILCS 5/12-3.05	was 720 ILCS 5/12-4
720 ILCS 5/18-2	from Ch. 38, par. 18-2
720 ILCS 5/18-4	
720 ILCS 5/19-6	was 720 ILCS 5/12-11
730 ILCS 5/5-8-1	from Ch. 38, par. 1005-8-1

Amends the Criminal Code of 2012 and the Unified Code of Corrections. Provides that certain offenses for which the use of a firearm requires the court to add 15 years, 20 years, or 25 years or up to a term of natural life to the sentence, makes the additional sentences discretionary with the court. Deletes provisions that permit the court in those cases to impose a term of natural life imprisonment upon the defendant. Provides that the court may impose the additional sentences only if the defendant was personally armed with the firearm and was personally displaying the firearm.

LRB103 37909 RLC 68041 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, 9-1.2, 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  
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 clauses (iii), (iv), and (v) of subsection (a)(1)(c)  
5 of Section 5-8-1 of the Unified Code of Corrections is  
6 present is a Class X felony for which the sentence  
7 shall be a term of imprisonment of not less than 20  
8 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 up  
11 to 15 years may ~~shall~~ be added to the term of  
12 imprisonment imposed by the court if the person  
13 committed the offense while personally armed with the  
14 firearm and while personally displaying the firearm;

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

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

1 the court; and

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

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

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

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

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

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

23 (720 ILCS 5/9-1.2) (from Ch. 38, par. 9-1.2)

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

25 (a) A person commits the offense of intentional homicide

1 of an unborn child if, in performing acts which cause the death  
2 of an unborn child, he without lawful justification:

3 (1) either intended to cause the death of or do great  
4 bodily harm to the pregnant individual or unborn child or  
5 knew that such acts would cause death or great bodily harm  
6 to the pregnant individual or unborn child; or

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

10 (3) knew that the individual was pregnant.

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

15 (c) This Section shall not apply to acts which cause the  
16 death of an unborn child if those acts were committed during  
17 any abortion, as defined in Section 1-10 of the Reproductive  
18 Health Act, to which the pregnant individual has consented.  
19 This Section shall not apply to acts which were committed  
20 pursuant to usual and customary standards of medical practice  
21 during diagnostic testing or therapeutic treatment.

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

25 (1) (blank);

26 (2) if the person committed the offense while

1 personally armed with a firearm, and while personally  
2 displaying the firearm, up to 15 years may ~~shall~~ be added  
3 to the term of imprisonment imposed by the court;

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

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

14 (e) The provisions of this Act shall not be construed to  
15 prohibit the prosecution of any person under any other  
16 provision of law.

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

18 (720 ILCS 5/10-2) (from Ch. 38, par. 10-2)

19 Sec. 10-2. Aggravated kidnaping.

20 (a) A person commits the offense of aggravated kidnaping  
21 when he or she commits kidnaping and:

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

24 (2) takes as his or her victim a child under the age of  
25 13 years, or a person with a severe or profound

1 intellectual disability;

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

5 (4) wears a hood, robe, or mask or conceals his or her  
6 identity;

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

10 (6) commits the offense of kidnaping while armed with  
11 a firearm;

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

14 (8) during the commission of the offense of kidnaping,  
15 personally discharges a firearm that proximately causes  
16 great bodily harm, permanent disability, permanent  
17 disfigurement, or death to another person.

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

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

1 (a) (7) is a Class X felony for which up to 20 years may ~~shall~~  
2 be added to the term of imprisonment imposed by the court. A  
3 violation of subsection (a) (8) is a Class X felony for which up  
4 to 25 years may ~~or up to a term of natural life shall~~ be added  
5 to the term of imprisonment imposed by the court. An offender  
6 under the age of 18 years at the time of the commission of  
7 aggravated kidnaping in violation of paragraphs (1) through  
8 (8) of subsection (a) shall be sentenced under Section  
9 5-4.5-105 of the Unified Code of Corrections.

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

20 (Source: P.A. 99-69, eff. 1-1-16; 99-143, eff. 7-27-15;  
21 99-642, eff. 7-28-16.)

22 (720 ILCS 5/11-1.30) (was 720 ILCS 5/12-14)

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

24 (a) A person commits aggravated criminal sexual assault if  
25 that person commits criminal sexual assault and any of the



1 following aggravating circumstances exist during the  
2 commission of the offense or, for purposes of paragraph (7),  
3 occur as part of the same course of conduct as the commission  
4 of the offense:

5 (1) the person displays, threatens to use, or uses a  
6 dangerous weapon, other than a firearm, or any other  
7 object fashioned or used in a manner that leads the  
8 victim, under the circumstances, reasonably to believe  
9 that the object is a dangerous weapon;

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

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

14 (4) the person commits the criminal sexual assault  
15 during the course of committing or attempting to commit  
16 any other felony;

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

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

19 (7) the person delivers (by injection, inhalation,  
20 ingestion, transfer of possession, or any other means) any  
21 controlled substance to the victim without the victim's  
22 consent or by threat or deception for other than medical  
23 purposes;

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

25 (9) the person personally discharges a firearm during  
26 the commission of the offense; or

1           (10) the person personally discharges a firearm during  
2           the commission of the offense, and that discharge  
3           proximately causes great bodily harm, permanent  
4           disability, permanent disfigurement, or death to another  
5           person.

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

12          (c) A person commits aggravated criminal sexual assault if  
13          that person commits an act of sexual penetration with a victim  
14          who is a person with a severe or profound intellectual  
15          disability.

16          (d) Sentence.

17                 (1) Aggravated criminal sexual assault in violation of  
18                 paragraph (2), (3), (4), (5), (6), or (7) of subsection  
19                 (a) or in violation of subsection (b) or (c) is a Class X  
20                 felony. A violation of subsection (a)(1) is a Class X  
21                 felony for which 10 years shall be added to the term of  
22                 imprisonment imposed by the court. A violation of  
23                 subsection (a)(8) is a Class X felony for which up to 15  
24                 years may ~~shall~~ be added to the term of imprisonment  
25                 imposed by the court, if the person committed the offense  
26                 while personally armed with a firearm, and while

1 personally displaying the firearm. A violation of  
2 subsection (a)(9) is a Class X felony for which 20 years  
3 shall be added to the term of imprisonment imposed by the  
4 court. A violation of subsection (a)(10) is a Class X  
5 felony for which 25 years or up to a term of natural life  
6 imprisonment shall be added to the term of imprisonment  
7 imposed by the court. An offender under the age of 18 years  
8 at the time of the commission of aggravated criminal  
9 sexual assault in violation of paragraphs (1) through (10)  
10 of subsection (a) shall be sentenced under Section  
11 5-4.5-105 of the Unified Code of Corrections.

12 (2) A person who has attained the age of 18 years at  
13 the time of the commission of the offense and who is  
14 convicted of a second or subsequent offense of aggravated  
15 criminal sexual assault, or who is convicted of the  
16 offense of aggravated criminal sexual assault after having  
17 previously been convicted of the offense of criminal  
18 sexual assault or the offense of predatory criminal sexual  
19 assault of a child, or who is convicted of the offense of  
20 aggravated criminal sexual assault after having previously  
21 been convicted under the laws of this or any other state of  
22 an offense that is substantially equivalent to the offense  
23 of criminal sexual assault, the offense of aggravated  
24 criminal sexual assault or the offense of predatory  
25 criminal sexual assault of a child, shall be sentenced to  
26 a term of natural life imprisonment. The commission of the

1 second or subsequent offense is required to have been  
2 after the initial conviction for this paragraph (2) to  
3 apply. An offender under the age of 18 years at the time of  
4 the commission of the offense covered by this paragraph  
5 (2) shall be sentenced under Section 5-4.5-105 of the  
6 Unified Code of Corrections.

7 (Source: P.A. 99-69, eff. 1-1-16; 99-143, eff. 7-27-15;  
8 99-642, eff. 7-28-16.)

9 (720 ILCS 5/11-1.40) (was 720 ILCS 5/12-14.1)

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

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

18 (1) the victim is under 13 years of age; or

19 (2) the victim is under 13 years of age and that  
20 person:

21 (A) is armed with a firearm;

22 (B) personally discharges a firearm during the  
23 commission of the offense;

24 (C) causes great bodily harm to the victim that:

25 (i) results in permanent disability; or

1 (ii) is life threatening; or

2 (D) delivers (by injection, inhalation, ingestion,  
3 transfer of possession, or any other means) any  
4 controlled substance to the victim without the  
5 victim's consent or by threat or deception, for other  
6 than medical purposes.

7 (b) Sentence.

8 (1) A person convicted of a violation of subsection  
9 (a)(1) commits a Class X felony, for which the person  
10 shall be sentenced to a term of imprisonment of not less  
11 than 6 years and not more than 60 years. A person convicted  
12 of a violation of subsection (a)(2)(A) commits a Class X  
13 felony for which up to 15 years may ~~shall~~ be added to the  
14 term of imprisonment imposed by the court, if the person  
15 committed the offense while personally armed with a  
16 firearm, and while personally displaying the firearm. A  
17 person convicted of a violation of subsection (a)(2)(B)  
18 commits a Class X felony for which up to 20 years may ~~shall~~  
19 be added to the term of imprisonment imposed by the court.  
20 A person who has attained the age of 18 years at the time  
21 of the commission of the offense and who is convicted of a  
22 violation of subsection (a)(2)(C) commits a Class X felony  
23 for which the person shall be sentenced to a term of  
24 imprisonment of not less than 50 years or up to a term of  
25 natural life imprisonment. An offender under the age of 18  
26 years at the time of the commission of predatory criminal

1 sexual assault of a child in violation of subsections  
2 (a) (1), (a) (2) (A), (a) (2) (B), and (a) (2) (C) shall be  
3 sentenced under Section 5-4.5-105 of the Unified Code of  
4 Corrections.

5 (1.1) A person convicted of a violation of subsection  
6 (a) (2) (D) commits a Class X felony for which the person  
7 shall be sentenced to a term of imprisonment of not less  
8 than 50 years and not more than 60 years. An offender under  
9 the age of 18 years at the time of the commission of  
10 predatory criminal sexual assault of a child in violation  
11 of subsection (a) (2) (D) shall be sentenced under Section  
12 5-4.5-105 of the Unified Code of Corrections.

13 (1.2) A person who has attained the age of 18 years at  
14 the time of the commission of the offense and convicted of  
15 predatory criminal sexual assault of a child committed  
16 against 2 or more persons regardless of whether the  
17 offenses occurred as the result of the same act or of  
18 several related or unrelated acts shall be sentenced to a  
19 term of natural life imprisonment and an offender under  
20 the age of 18 years at the time of the commission of the  
21 offense shall be sentenced under Section 5-4.5-105 of the  
22 Unified Code of Corrections.

23 (2) A person who has attained the age of 18 years at  
24 the time of the commission of the offense and who is  
25 convicted of a second or subsequent offense of predatory  
26 criminal sexual assault of a child, or who is convicted of

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

19 (Source: P.A. 98-370, eff. 1-1-14; 98-756, eff. 7-16-14;  
20 98-903, eff. 8-15-14; 99-69, eff. 1-1-16.)

21 (720 ILCS 5/12-3.05) (was 720 ILCS 5/12-4)

22 Sec. 12-3.05. Aggravated battery.

23 (a) Offense based on injury. A person commits aggravated  
24 battery when, in committing a battery, other than by the  
25 discharge of a firearm, he or she knowingly does any of the

1 following:

2 (1) Causes great bodily harm or permanent disability  
3 or disfigurement.

4 (2) Causes severe and permanent disability, great  
5 bodily harm, or disfigurement by means of a caustic or  
6 flammable substance, a poisonous gas, a deadly biological  
7 or chemical contaminant or agent, a radioactive substance,  
8 or a bomb or explosive compound.

9 (3) Causes great bodily harm or permanent disability  
10 or disfigurement to an individual whom the person knows to  
11 be a peace officer, community policing volunteer, fireman,  
12 private security officer, correctional institution  
13 employee, or Department of Human Services employee  
14 supervising or controlling sexually dangerous persons or  
15 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 (4) Causes great bodily harm or permanent disability  
22 or disfigurement to an individual 60 years of age or  
23 older.

24 (5) Strangles another individual.

25 (b) Offense based on injury to a child or person with an  
26 intellectual disability. A person who is at least 18 years of



1 age commits aggravated battery when, in committing a battery,  
2 he or she knowingly and without legal justification by any  
3 means:

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

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

11 (c) Offense based on location of conduct. A person commits  
12 aggravated battery when, in committing a battery, other than  
13 by the discharge of a firearm, he or she is or the person  
14 battered is on or about a public way, public property, a public  
15 place of accommodation or amusement, a sports venue, or a  
16 domestic violence shelter, or in a church, synagogue, mosque,  
17 or other building, structure, or place used for religious  
18 worship.

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

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

24 (2) A person who is pregnant or has a physical  
25 disability.

26 (3) A teacher or school employee upon school grounds

1 or grounds adjacent to a school or in any part of a  
2 building used for school purposes.

3 (4) A peace officer, community policing volunteer,  
4 fireman, private security officer, correctional  
5 institution employee, or Department of Human Services  
6 employee supervising or controlling sexually dangerous  
7 persons or sexually violent persons:

8 (i) performing his or her official duties;

9 (ii) battered to prevent performance of his or her  
10 official duties; or

11 (iii) battered in retaliation for performing his  
12 or her official duties.

13 (5) A judge, emergency management worker, emergency  
14 medical services personnel, or utility 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 (6) An officer or employee of the State of Illinois, a  
21 unit of local government, or a school district, while  
22 performing his or her official duties.

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

25 (8) A taxi driver on duty.

26 (9) A merchant who detains the person for an alleged

1 commission of retail theft under Section 16-26 of this  
2 Code and the person without legal justification by any  
3 means causes bodily harm to the merchant.

4 (10) A person authorized to serve process under  
5 Section 2-202 of the Code of Civil Procedure or a special  
6 process server appointed by the circuit court while that  
7 individual is in the performance of his or her duties as a  
8 process server.

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

11 (12) A merchant: (i) while performing his or her  
12 duties, including, but not limited to, relaying directions  
13 for healthcare or safety from his or her supervisor or  
14 employer or relaying health or safety guidelines,  
15 recommendations, regulations, or rules from a federal,  
16 State, or local public health agency; and (ii) during a  
17 disaster declared by the Governor, or a state of emergency  
18 declared by the mayor of the municipality in which the  
19 merchant is located, due to a public health emergency and  
20 for a period of 6 months after such declaration.

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

24 (1) Discharges a firearm, other than a machine gun or  
25 a firearm equipped with a silencer, and causes any injury  
26 to another person.

1           (2) Discharges a firearm, other than a machine gun or  
2 a firearm equipped with a silencer, and causes any injury  
3 to a person he or she knows to be a peace officer,  
4 community policing volunteer, person summoned by a police  
5 officer, fireman, private security officer, correctional  
6 institution employee, or emergency management worker:

7           (i) performing his or her official duties;

8           (ii) battered to prevent performance of his or her  
9 official duties; or

10           (iii) battered in retaliation for performing his  
11 or her official duties.

12           (3) Discharges a firearm, other than a machine gun or  
13 a firearm equipped with a silencer, and causes any injury  
14 to a person he or she knows to be emergency medical  
15 services personnel:

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           (4) Discharges a firearm and causes any injury to a  
22 person he or she knows to be a teacher, a student in a  
23 school, or a school employee, and the teacher, student, or  
24 employee is upon school grounds or grounds adjacent to a  
25 school or in any part of a building used for school  
26 purposes.

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

3           (6) Discharges a machine gun or a firearm equipped  
4 with a silencer, and causes any injury to a person he or  
5 she knows to be a peace officer, community policing  
6 volunteer, person summoned by a police officer, fireman,  
7 private security officer, correctional institution  
8 employee or emergency management worker:

9                   (i) performing his or her official duties;

10                   (ii) battered to prevent performance of his or her  
11 official duties; or

12                   (iii) battered in retaliation for performing his  
13 or her official duties.

14           (7) Discharges a machine gun or a firearm equipped  
15 with a silencer, and causes any injury to a person he or  
16 she knows to be emergency medical services personnel:

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           (8) 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 a teacher, or a student in a school, or a  
25 school employee, and the teacher, student, or employee is  
26 upon school grounds or grounds adjacent to a school or in

1 any part of a building used for school purposes.

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

5 (1) Uses a deadly weapon other than by discharge of a  
6 firearm, or uses an air rifle as defined in Section  
7 24.8-0.1 of this Code.

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

10 (3) Knowingly and without lawful justification shines  
11 or flashes a laser gunsight or other laser device attached  
12 to a firearm, or used in concert with a firearm, so that  
13 the laser beam strikes upon or against the person of  
14 another.

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

17 (g) Offense based on certain conduct. A person commits  
18 aggravated battery when, other than by discharge of a firearm,  
19 he or she does any of the following:

20 (1) Violates Section 401 of the Illinois Controlled  
21 Substances Act by unlawfully delivering a controlled  
22 substance to another and any user experiences great bodily  
23 harm or permanent disability as a result of the injection,  
24 inhalation, or ingestion of any amount of the controlled  
25 substance.

26 (2) Knowingly administers to an individual or causes

1           him or her to take, without his or her consent or by threat  
2           or deception, and for other than medical purposes, any  
3           intoxicating,       poisonous,       stupefying,       narcotic,  
4           anesthetic, or controlled substance, or gives to another  
5           person any food containing any substance or object  
6           intended to cause physical injury if eaten.

7           (3) Knowingly causes or attempts to cause a  
8           correctional institution employee or Department of Human  
9           Services employee to come into contact with blood, seminal  
10          fluid, urine, or feces by throwing, tossing, or expelling  
11          the fluid or material, and the person is an inmate of a  
12          penal institution or is a sexually dangerous person or  
13          sexually violent person in the custody of the Department  
14          of Human Services.

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

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

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

21          Aggravated battery as defined in subdivision (a)(1) is a  
22          Class 1 felony when the aggravated battery was intentional and  
23          involved the infliction of torture, as defined in paragraph  
24          (10) of subsection (b-5) of Section 5-8-1 of the Unified Code  
25          of Corrections, as the infliction of or subjection to extreme  
26          physical pain, motivated by an intent to increase or prolong

1 the pain, suffering, or agony of the victim.

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

8 Aggravated battery under subdivision (a)(5) is a Class 1  
9 felony if:

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

12 (B) the person caused great bodily harm or permanent  
13 disability or disfigurement to the other person while  
14 committing the offense; or

15 (C) the person has been previously convicted of a  
16 violation of subdivision (a)(5) under the laws of this  
17 State or laws similar to subdivision (a)(5) of any other  
18 state.

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

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

25 Aggravated battery as defined in subdivision (e)(5) is a  
26 Class X felony for which a person shall be sentenced to a term



1 of imprisonment of a minimum of 12 years and a maximum of 45  
2 years.

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

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

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

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

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

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

1 (i) Definitions. In this Section:

2 "Building or other structure used to provide shelter" has  
3 the meaning ascribed to "shelter" in Section 1 of the Domestic  
4 Violence Shelters Act.

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

7 "Domestic violence shelter" means any building or other  
8 structure used to provide shelter or other services to victims  
9 or to the dependent children of victims of domestic violence  
10 pursuant to the Illinois Domestic Violence Act of 1986 or the  
11 Domestic Violence Shelters Act, or any place within 500 feet  
12 of such a building or other structure in the case of a person  
13 who is going to or from such a building or other structure.

14 "Firearm" has the meaning provided under Section 1.1 of  
15 the Firearm Owners Identification Card Act, and does not  
16 include an air rifle as defined by Section 24.8-0.1 of this  
17 Code.

18 "Machine gun" has the meaning ascribed to it in Section  
19 24-1 of this Code.

20 "Merchant" has the meaning ascribed to it in Section  
21 16-0.1 of this Code.

22 "Strangle" means intentionally impeding the normal  
23 breathing or circulation of the blood of an individual by  
24 applying pressure on the throat or neck of that individual or  
25 by blocking the nose or mouth of that individual.

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

1 (720 ILCS 5/18-2) (from Ch. 38, par. 18-2)

2 Sec. 18-2. Armed robbery.

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

5 (1) he or she carries on or about his or her person or  
6 is otherwise armed with a dangerous weapon other than a  
7 firearm; or

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

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

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

16 (b) Sentence.

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

1 ~~to 25 years may or up to a term of natural life shall~~ be added  
2 to the term of imprisonment imposed by the court.

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

4 (720 ILCS 5/18-4)

5 Sec. 18-4. Aggravated vehicular hijacking.

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

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

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

13 (3) 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 (4) he or she carries on or about his or her person or  
17 is otherwise armed with a firearm; or

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

20 (6) 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. Aggravated vehicular hijacking in violation  
25 of subsections (a)(1) or (a)(2) is a Class X felony. A

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

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

14 (720 ILCS 5/19-6) (was 720 ILCS 5/12-11)

15 Sec. 19-6. Home Invasion.

16 (a) A person who is not a peace officer acting in the line  
17 of duty commits home invasion when without authority he or she  
18 knowingly enters the dwelling place of another when he or she  
19 knows or has reason to know that one or more persons is present  
20 or he or she knowingly enters the dwelling place of another and  
21 remains in the dwelling place until he or she knows or has  
22 reason to know that one or more persons is present or who  
23 falsely represents himself or herself, including but not  
24 limited to, falsely representing himself or herself to be a  
25 representative of any unit of government or a construction,

1 telecommunications, or utility company, for the purpose of  
2 gaining entry to the dwelling place of another when he or she  
3 knows or has reason to know that one or more persons are  
4 present and

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

9 (2) Intentionally causes any injury, except as  
10 provided in subsection (a)(5), to any person or persons  
11 within the dwelling place, or

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

15 (4) Uses force or threatens the imminent use of force  
16 upon any person or persons within the dwelling place  
17 whether or not injury occurs and during the commission of  
18 the offense personally discharges a firearm, or

19 (5) Personally discharges a firearm that proximately  
20 causes great bodily harm, permanent disability, permanent  
21 disfigurement, or death to another person within the  
22 dwelling place, or

23 (6) Commits, against any person or persons within that  
24 dwelling place, a violation of Section 11-1.20, 11-1.30,  
25 11-1.40, 11-1.50, or 11-1.60 of this Code.

26 (b) It is an affirmative defense to a charge of home

1 invasion that the accused who knowingly enters the dwelling  
2 place of another and remains in the dwelling place until he or  
3 she knows or has reason to know that one or more persons is  
4 present either immediately leaves the premises or surrenders  
5 to the person or persons lawfully present therein without  
6 either attempting to cause or causing serious bodily injury to  
7 any person present therein.

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

20 (d) For purposes of this Section, "dwelling place of  
21 another" includes a dwelling place where the defendant  
22 maintains a tenancy interest but from which the defendant has  
23 been barred by a divorce decree, judgment of dissolution of  
24 marriage, order of protection, or other court order.

25 (Source: P.A. 96-1113, eff. 1-1-11; 96-1551, eff. 7-1-11;  
26 97-1108, eff. 1-1-13; 97-1150, eff. 1-25-13.)

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

3 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

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

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

11 (1) for first degree murder,

12 (a) (blank),

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

21 (b-5) A defendant who at the time of the  
22 commission of the offense has attained the age of 18 or  
23 more and who has been found guilty of first degree  
24 murder may be sentenced to a term of natural life





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

21 (B) in performing the acts which caused  
22 the death of the murdered individual or which  
23 resulted in physical injuries personally  
24 inflicted by the defendant on the murdered  
25 individual under the circumstances of  
26 subdivision (ii) of clause (A) of this clause

1 (4), the defendant acted with the intent to  
2 kill the murdered individual or with the  
3 knowledge that his or her acts created a  
4 strong probability of death or great bodily  
5 harm to the murdered individual or another;  
6 and

7 (C) the other felony was an inherently  
8 violent crime or the attempt to commit an  
9 inherently violent crime. In this clause (C),  
10 "inherently violent crime" includes, but is  
11 not limited to, armed robbery, robbery,  
12 predatory criminal sexual assault of a child,  
13 aggravated criminal sexual assault, aggravated  
14 kidnapping, aggravated vehicular hijacking,  
15 aggravated arson, aggravated stalking,  
16 residential burglary, and home invasion;

17 (5) the defendant committed the murder with  
18 intent to prevent the murdered individual from  
19 testifying or participating in any criminal  
20 investigation or prosecution or giving material  
21 assistance to the State in any investigation or  
22 prosecution, either against the defendant or  
23 another; or the defendant committed the murder  
24 because the murdered individual was a witness in  
25 any prosecution or gave material assistance to the  
26 State in any investigation or prosecution, either

1 against the defendant or another; for purposes of  
2 this clause (5), "participating in any criminal  
3 investigation or prosecution" is intended to  
4 include those appearing in the proceedings in any  
5 capacity such as trial judges, prosecutors,  
6 defense attorneys, investigators, witnesses, or  
7 jurors;

8 (6) the defendant, while committing an offense  
9 punishable under Section 401, 401.1, 401.2, 405,  
10 405.2, 407 or 407.1 or subsection (b) of Section  
11 404 of the Illinois Controlled Substances Act, or  
12 while engaged in a conspiracy or solicitation to  
13 commit such offense, intentionally killed an  
14 individual or counseled, commanded, induced,  
15 procured or caused the intentional killing of the  
16 murdered individual;

17 (7) the defendant was incarcerated in an  
18 institution or facility of the Department of  
19 Corrections at the time of the murder, and while  
20 committing an offense punishable as a felony under  
21 Illinois law, or while engaged in a conspiracy or  
22 solicitation to commit such offense, intentionally  
23 killed an individual or counseled, commanded,  
24 induced, procured or caused the intentional  
25 killing of the murdered individual;

26 (8) the murder was committed in a cold,

1           calculated and premeditated manner pursuant to a  
2           preconceived plan, scheme or design to take a  
3           human life by unlawful means, and the conduct of  
4           the defendant created a reasonable expectation  
5           that the death of a human being would result  
6           therefrom;

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

15          (10) the murder was intentional and involved  
16          the infliction of torture. For the purpose of this  
17          clause (10), torture means the infliction of or  
18          subjection to extreme physical pain, motivated by  
19          an intent to increase or prolong the pain,  
20          suffering or agony of the victim;

21          (11) the murder was committed as a result of  
22          the intentional discharge of a firearm by the  
23          defendant from a motor vehicle and the victim was  
24          not present within the motor vehicle;

25          (12) the murdered individual was a person with  
26          a disability and the defendant knew or should have

1 known that the murdered individual was a person  
2 with a disability. For purposes of this clause  
3 (12), "person with a disability" means a person  
4 who suffers from a permanent physical or mental  
5 impairment resulting from disease, an injury, a  
6 functional disorder, or a congenital condition  
7 that renders the person incapable of adequately  
8 providing for his or her own health or personal  
9 care;

10 (13) the murdered individual was subject to an  
11 order of protection and the murder was committed  
12 by a person against whom the same order of  
13 protection was issued under the Illinois Domestic  
14 Violence Act of 1986;

15 (14) the murdered individual was known by the  
16 defendant to be a teacher or other person employed  
17 in any school and the teacher or other employee is  
18 upon the grounds of a school or grounds adjacent  
19 to a school, or is in any part of a building used  
20 for school purposes;

21 (15) the murder was committed by the defendant  
22 in connection with or as a result of the offense of  
23 terrorism as defined in Section 29D-14.9 of this  
24 Code;

25 (16) the murdered individual was a member of a  
26 congregation engaged in prayer or other religious

1 activities at a church, synagogue, mosque, or  
2 other building, structure, or place used for  
3 religious worship; or

4 (17)(i) the murdered individual was a  
5 physician, physician assistant, psychologist,  
6 nurse, or advanced practice registered nurse;

7 (ii) the defendant knew or should have known  
8 that the murdered individual was a physician,  
9 physician assistant, psychologist, nurse, or  
10 advanced practice registered nurse; and

11 (iii) the murdered individual was killed in  
12 the course of acting in his or her capacity as a  
13 physician, physician assistant, psychologist,  
14 nurse, or advanced practice registered nurse, or  
15 to prevent him or her from acting in that  
16 capacity, or in retaliation for his or her acting  
17 in that capacity.

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

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

24 (ii) is found guilty of murdering more than  
25 one victim, or

26 (iii) is found guilty of murdering a peace

1 officer, fireman, or emergency management worker  
2 when the peace officer, fireman, or emergency  
3 management worker was killed in the course of  
4 performing his official duties, or to prevent the  
5 peace officer or fireman from performing his  
6 official duties, or in retaliation for the peace  
7 officer, fireman, or emergency management worker  
8 from performing his official duties, and the  
9 defendant knew or should have known that the  
10 murdered individual was a peace officer, fireman,  
11 or emergency management worker, or

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

20 (v) is found guilty of murdering an emergency  
21 medical technician - ambulance, emergency medical  
22 technician - intermediate, emergency medical  
23 technician - paramedic, ambulance driver or other  
24 medical assistance or first aid person while  
25 employed by a municipality or other governmental  
26 unit when the person was killed in the course of



1 performing official duties or to prevent the  
2 person from performing official duties or in  
3 retaliation for performing official duties and the  
4 defendant knew or should have known that the  
5 murdered individual was an emergency medical  
6 technician - ambulance, emergency medical  
7 technician - intermediate, emergency medical  
8 technician - paramedic, ambulance driver, or other  
9 medical assistant or first aid personnel, or

10 (vi) (blank), or

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

19 For purposes of clause (v), "emergency medical  
20 technician - ambulance", "emergency medical technician  
21 - intermediate", "emergency medical technician -  
22 paramedic", have the meanings ascribed to them in the  
23 Emergency Medical Services (EMS) Systems Act.

24 (d) (i) if the person committed the offense while  
25 personally armed with a firearm, and while  
26 personally displaying the firearm, up to 15 years

1            may ~~shall~~ be added to the term of imprisonment  
2            imposed by the court;

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

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

14            (2) (blank);

15            (2.5) for a person who has attained the age of 18 years  
16            at the time of the commission of the offense and who is  
17            convicted under the circumstances described in subdivision  
18            (b)(1)(B) of Section 11-1.20 or paragraph (3) of  
19            subsection (b) of Section 12-13, subdivision (d)(2) of  
20            Section 11-1.30 or paragraph (2) of subsection (d) of  
21            Section 12-14, subdivision (b)(1.2) of Section 11-1.40 or  
22            paragraph (1.2) of subsection (b) of Section 12-14.1,  
23            subdivision (b)(2) of Section 11-1.40 or paragraph (2) of  
24            subsection (b) of Section 12-14.1 of the Criminal Code of  
25            1961 or the Criminal Code of 2012, the sentence shall be a  
26            term of natural life imprisonment.

1 (b) (Blank).

2 (c) (Blank).

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

7 (1) for first degree murder or for the offenses of  
8 predatory criminal sexual assault of a child, aggravated  
9 criminal sexual assault, and criminal sexual assault if  
10 committed on or before December 12, 2005, 3 years;

11 (1.5) except as provided in paragraph (7) of this  
12 subsection (d), for a Class X felony except for the  
13 offenses of predatory criminal sexual assault of a child,  
14 aggravated criminal sexual assault, and criminal sexual  
15 assault if committed on or after December 13, 2005 (the  
16 effective date of Public Act 94-715) and except for the  
17 offense of aggravated child pornography under Section  
18 11-20.1B, 11-20.3, or 11-20.1 with sentencing under  
19 subsection (c-5) of Section 11-20.1 of the Criminal Code  
20 of 1961 or the Criminal Code of 2012, if committed on or  
21 after January 1, 2009, 18 months;

22 (2) except as provided in paragraph (7) of this  
23 subsection (d), for a Class 1 felony or a Class 2 felony  
24 except for the offense of criminal sexual assault if  
25 committed on or after December 13, 2005 (the effective  
26 date of Public Act 94-715) and except for the offenses of

1 manufacture and dissemination of child pornography under  
2 clauses (a)(1) and (a)(2) of Section 11-20.1 of the  
3 Criminal Code of 1961 or the Criminal Code of 2012, if  
4 committed on or after January 1, 2009, 12 months;

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

20 (4) for defendants who commit the offense of predatory  
21 criminal sexual assault of a child, aggravated criminal  
22 sexual assault, or criminal sexual assault, on or after  
23 December 13, 2005 (the effective date of Public Act  
24 94-715), or who commit the offense of aggravated child  
25 pornography under Section 11-20.1B, 11-20.3, or 11-20.1  
26 with sentencing under subsection (c-5) of Section 11-20.1

1 of the Criminal Code of 1961 or the Criminal Code of 2012,  
2 manufacture of child pornography, or dissemination of  
3 child pornography after January 1, 2009, the term of  
4 mandatory supervised release shall range from a minimum of  
5 3 years to a maximum of the natural life of the defendant;

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

12 (6) for a felony domestic battery, aggravated domestic  
13 battery, stalking, aggravated stalking, and a felony  
14 violation of an order of protection, 4 years;

15 (7) for any felony described in paragraph (a)(2)(ii),  
16 (a)(2)(iii), (a)(2)(iv), (a)(2)(vi), (a)(2.1), (a)(2.3),  
17 (a)(2.4), (a)(2.5), or (a)(2.6) of Article 5, Section  
18 3-6-3 of the Unified Code of Corrections requiring an  
19 inmate to serve a minimum of 85% of their court-imposed  
20 sentence, except for the offenses of predatory criminal  
21 sexual assault of a child, aggravated criminal sexual  
22 assault, and criminal sexual assault if committed on or  
23 after December 13, 2005 (the effective date of Public Act  
24 94-715) and except for the offense of aggravated child  
25 pornography under Section 11-20.1B, 11-20.3, or 11-20.1  
26 with sentencing under subsection (c-5) of Section 11-20.1

1 of the Criminal Code of 1961 or the Criminal Code of 2012,  
2 if committed on or after January 1, 2009 and except as  
3 provided in paragraph (4) or paragraph (6) of this  
4 subsection (d), the term of mandatory supervised release  
5 shall be as follows:

6 (A) Class X felony, 3 years;

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

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

9 (e) (Blank).

10 (f) (Blank).

11 (g) Notwithstanding any other provisions of this Act and  
12 of Public Act 101-652: (i) the provisions of paragraph (3) of  
13 subsection (d) are effective on July 1, 2022 and shall apply to  
14 all individuals convicted on or after the effective date of  
15 paragraph (3) of subsection (d); and (ii) the provisions of  
16 paragraphs (1.5) and (2) of subsection (d) are effective on  
17 July 1, 2021 and shall apply to all individuals convicted on or  
18 after the effective date of paragraphs (1.5) and (2) of  
19 subsection (d).

20 (Source: P.A. 102-28, eff. 6-25-21; 102-687, eff. 12-17-21;  
21 102-694, eff. 1-7-22; 102-1104, eff. 12-6-22; 103-51, eff.  
22 1-1-24.)