

SB2809



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2809

Introduced 1/17/2024, by Sen. Jil Tracy

SYNOPSIS AS INTRODUCED:

730 ILCS 5/5-8-1

from Ch. 38, par. 1005-8-1

Amends the Unified Code of Corrections. Provides that the court shall sentence the defendant to a term of natural life imprisonment for first degree murder if the defendant, at the time of the commission of the murder, had attained the age of 18, and is found guilty of the first degree murder of a child under the age of 5 who is determined by the court, upon testimony of a physician, to have died from abusive head trauma caused by the defendant. Provides that "abusive head trauma" includes shaken baby syndrome. Defines "abusive head trauma" and shaken baby syndrome".

LRB103 35618 RLC 65692 b

A BILL FOR

1 AN ACT concerning criminal law.

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

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

6 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

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

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

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

15 (1) for first degree murder,

16 (a) (blank),

17 (b) if a trier of fact finds beyond a reasonable
18 doubt that the murder was accompanied by exceptionally
19 brutal or heinous behavior indicative of wanton
20 cruelty or, except as set forth in subsection
21 (a) (1) (c) of this Section, that any of the aggravating
22 factors listed in subsection (b) or (b-5) of Section
23 9-1 of the Criminal Code of 1961 or the Criminal Code

1 of 2012 are present, the court may sentence the
2 defendant, subject to Section 5-4.5-105, to a term of
3 natural life imprisonment, or

4 (c) the court shall sentence the defendant to a
5 term of natural life imprisonment if the defendant, at
6 the time of the commission of the murder, had attained
7 the age of 18, and:

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

10 (ii) is found guilty of murdering more than
11 one victim, or

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

24 (iv) is found guilty of murdering an employee
25 of an institution or facility of the Department of
26 Corrections, or any similar local correctional

1 agency, when the employee was killed in the course
2 of performing his official duties, or to prevent
3 the employee from performing his official duties,
4 or in retaliation for the employee performing his
5 official duties, or

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

22 (vi) (blank), or

23 (vii) is found guilty of first degree murder
24 and the murder was committed by reason of any
25 person's activity as a community policing
26 volunteer or to prevent any person from engaging

1 in activity as a community policing volunteer. For
2 the purpose of this Section, "community policing
3 volunteer" has the meaning ascribed to it in
4 Section 2-3.5 of the Criminal Code of 2012.

5 For purposes of clause (v), "emergency medical
6 technician - ambulance", "emergency medical technician
7 - intermediate", "emergency medical technician -
8 paramedic", have the meanings ascribed to them in the
9 Emergency Medical Services (EMS) Systems Act.

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

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

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

24 (2) (blank);

25 (2.5) for a person who has attained the age of 18 years
26 at the time of the commission of the offense and who is

1 convicted under the circumstances described in subdivision
2 (b)(1)(B) of Section 11-1.20 or paragraph (3) of
3 subsection (b) of Section 12-13, subdivision (d)(2) of
4 Section 11-1.30 or paragraph (2) of subsection (d) of
5 Section 12-14, subdivision (b)(1.2) of Section 11-1.40 or
6 paragraph (1.2) of subsection (b) of Section 12-14.1,
7 subdivision (b)(2) of Section 11-1.40 or paragraph (2) of
8 subsection (b) of Section 12-14.1 of the Criminal Code of
9 1961 or the Criminal Code of 2012, the sentence shall be a
10 term of natural life imprisonment.

11 (b) (Blank).

12 (c) (Blank).

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

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

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

1 offense of aggravated child pornography under Section
2 11-20.1B, 11-20.3, or 11-20.1 with sentencing under
3 subsection (c-5) of Section 11-20.1 of the Criminal Code
4 of 1961 or the Criminal Code of 2012, if committed on or
5 after January 1, 2009, 18 months;

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

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

1 the 102nd General Assembly, including those individuals
2 whose sentences were imposed prior to the effective date
3 of this amendatory Act of the 102nd General Assembly;

4 (4) for defendants who commit the offense of predatory
5 criminal sexual assault of a child, aggravated criminal
6 sexual assault, or criminal sexual assault, on or after
7 December 13, 2005 (the effective date of Public Act
8 94-715), or who commit the offense of aggravated child
9 pornography under Section 11-20.1B, 11-20.3, or 11-20.1
10 with sentencing under subsection (c-5) of Section 11-20.1
11 of the Criminal Code of 1961 or the Criminal Code of 2012,
12 manufacture of child pornography, or dissemination of
13 child pornography after January 1, 2009, the term of
14 mandatory supervised release shall range from a minimum of
15 3 years to a maximum of the natural life of the defendant;

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

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

25 (7) for any felony described in paragraph (a)(2)(ii),
26 (a)(2)(iii), (a)(2)(iv), (a)(2)(vi), (a)(2.1), (a)(2.3),

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

16 (A) Class X felony, 3 years;

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

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

19 (e) (Blank).

20 (f) (Blank).

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

1 July 1, 2021 and shall apply to all individuals convicted on or
2 after the effective date of paragraphs (1.5) and (2) of
3 subsection (d).

4 (Source: P.A. 101-288, eff. 1-1-20; 101-652, eff. 7-1-21;
5 102-28, eff. 6-25-21; 102-687, eff. 12-17-21; 102-694, eff.
6 1-7-22; 102-1104, eff. 12-6-22.)

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

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

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

15 (1) for first degree murder,

16 (a) (blank),

17 (b) if a trier of fact finds beyond a reasonable
18 doubt that the murder was accompanied by exceptionally
19 brutal or heinous behavior indicative of wanton
20 cruelty or, except as set forth in subsection
21 (a) (1) (c) of this Section, that any of the aggravating
22 factors listed in subparagraph (b-5) are present, the
23 court may sentence the defendant, subject to Section
24 5-4.5-105, to a term of natural life imprisonment, or

25 (b-5) A defendant who at the time of the

1 commission of the offense has attained the age of 18 or
2 more and who has been found guilty of first degree
3 murder may be sentenced to a term of natural life
4 imprisonment if:

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

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

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

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

24 (A) the murdered individual:

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

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

24 (B) in performing the acts which caused
25 the death of the murdered individual or which
26 resulted in physical injuries personally

1 inflicted by the defendant on the murdered
2 individual under the circumstances of
3 subdivision (ii) of clause (A) of this clause
4 (4), the defendant acted with the intent to
5 kill the murdered individual or with the
6 knowledge that his or her acts created a
7 strong probability of death or great bodily
8 harm to the murdered individual or another;
9 and

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

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

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

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

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

1 induced, procured or caused the intentional
2 killing of the murdered individual;

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

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

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

24 (11) the murder was committed as a result of
25 the intentional discharge of a firearm by the
26 defendant from a motor vehicle and the victim was

1 not present within the motor vehicle;

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

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

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

24 (15) the murder was committed by the defendant
25 in connection with or as a result of the offense of
26 terrorism as defined in Section 29D-14.9 of this

1 Code;

2 (16) the murdered individual was a member of a
3 congregation engaged in prayer or other religious
4 activities at a church, synagogue, mosque, or
5 other building, structure, or place used for
6 religious worship; or

7 (17) (i) the murdered individual was a
8 physician, physician assistant, psychologist,
9 nurse, or advanced practice registered nurse;

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

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

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

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

1 (ii) is found guilty of murdering more than
2 one victim, or

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

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

23 (v) is found guilty of murdering an emergency
24 medical technician - ambulance, emergency medical
25 technician - intermediate, emergency medical
26 technician - paramedic, ambulance driver or other

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

13 (vi) (blank), or

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

22 (viii) is found guilty of the first degree
23 murder of a child under the age of 5 who is
24 determined by the court, upon testimony of a
25 physician, to have died from abusive head trauma
26 caused by the defendant.

1 As used in clause (viii):

2 "Abusive head trauma" means a head injury that is
3 caused by shaking, throwing, hitting, slamming, or
4 jerking. "Abusive head trauma" includes shaken baby
5 syndrome.

6 "Shaken baby syndrome" means a severe form of head
7 injury that occurs when an infant or young child is
8 shaken or thrown forcibly enough to cause the brain to
9 rebound against the skull.

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

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

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

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

1 life shall be added to the term of imprisonment
2 imposed by the court.

3 (2) (blank);

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

16 (b) (Blank).

17 (c) (Blank).

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

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

26 (1.5) except as provided in paragraph (7) of this

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

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

20 (3) except as provided in paragraph (4), (6), or (7)
21 of this subsection (d), for a Class 3 felony or a Class 4
22 felony, 6 months; no later than 45 days after the onset of
23 the term of mandatory supervised release, the Prisoner
24 Review Board shall conduct a discretionary discharge
25 review pursuant to the provisions of Section 3-3-8, which
26 shall include the results of a standardized risk and needs

1 assessment tool administered by the Department of
2 Corrections; the changes to this paragraph (3) made by
3 this amendatory Act of the 102nd General Assembly apply to
4 all individuals released on mandatory supervised release
5 on or after the effective date of this amendatory Act of
6 the 102nd General Assembly, including those individuals
7 whose sentences were imposed prior to the effective date
8 of this amendatory Act of the 102nd General Assembly;

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

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

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

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

21 (A) Class X felony, 3 years;

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

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

24 (e) (Blank).

25 (f) (Blank).

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

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

9 (Source: P.A. 102-28, eff. 6-25-21; 102-687, eff. 12-17-21;
10 102-694, eff. 1-7-22; 102-1104, eff. 12-6-22; 103-51, eff.
11 1-1-24.)

12 Section 95. No acceleration or delay. Where this Act makes
13 changes in a statute that is represented in this Act by text
14 that is not yet or no longer in effect (for example, a Section
15 represented by multiple versions), the use of that text does
16 not accelerate or delay the taking effect of (i) the changes
17 made by this Act or (ii) provisions derived from any other
18 Public Act.