



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB3198

Introduced 2/6/2024, by Sen. Neil Anderson

SYNOPSIS AS INTRODUCED:

See Index

Creates the Capital Crimes Litigation Act of 2024. Provides that if an indigent defendant is charged with an offense for which a sentence of death is authorized, and the State's Attorney has not, at or before arraignment, filed a certificate indicating he or she will not seek the death penalty or stated on the record in open court that the death penalty will not be sought, the trial court shall immediately appoint the Public Defender, or any other qualified attorney or attorneys as the Illinois Supreme Court shall by rule provide, to represent the defendant as trial counsel. Creates the Capital Litigation Trust Fund. Provides that moneys deposited into the Trust Fund shall be used exclusively for the purposes of providing funding for the prosecution and defense of capital cases and for providing funding for post-conviction proceedings. Amends the State Finance Act. Repeals the Death Penalty Abolition Fund and reinstates the Capital Litigation Trust Fund. Amends the Unified Code of Corrections. Reinstates the death penalty for first degree murder if: (1) the murdered individual was a peace officer, fireman, an emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistance or first aid personnel, employed by a municipality or other governmental unit killed in the course of performing his or her official duties, to prevent the performance of his or her official duties, or in retaliation for performing his or her official duties, and the defendant knew or should have known that the murdered individual was a peace officer or fireman; or (2) the murdered individual was an employee of an institution or facility of the Department of Corrections, or any similar local correctional agency, killed in the course of performing his or her official duties, to prevent the performance of his or her official duties, or in retaliation for performing his or her official duties. Amends the Freedom of Information Act, the Code of Criminal Procedure of 1963, and the State Appellate Defender Act to make conforming changes.

LRB103 37984 RLC 68116 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 1. Short title. This Act may be cited as the
5 Capital Crimes Litigation Act of 2024.

6 Section 5. Appointment of trial counsel in death penalty
7 cases. If an indigent defendant is charged with an offense for
8 which a sentence of death is authorized, and the State's
9 Attorney has not, at or before arraignment, filed a
10 certificate indicating he or she will not seek the death
11 penalty or stated on the record in open court that the death
12 penalty will not be sought, the trial court shall immediately
13 appoint the Public Defender, or any other qualified attorney
14 or attorneys as the Illinois Supreme Court shall by rule
15 provide, to represent the defendant as trial counsel. If the
16 Public Defender is appointed, he or she shall immediately
17 assign the attorney or attorneys who are public defenders to
18 represent the defendant. The counsel shall meet the
19 qualifications as the Supreme Court shall by rule provide. At
20 the request of court appointed counsel in a case in which the
21 death penalty is sought, attorneys employed by the State
22 Appellate Defender may enter an appearance for the limited
23 purpose of assisting counsel appointed under this Section.

1 Section 10. Court appointed trial counsel; compensation
2 and expenses.

3 (a) This Section applies only to compensation and expenses
4 of trial counsel appointed by the court as set forth in Section
5 5, other than public defenders, for the period after
6 arraignment and so long as the State's Attorney has not, at any
7 time, filed a certificate indicating he or she will not seek
8 the death penalty or stated on the record in open court that
9 the death penalty will not be sought.

10 (a-5) Litigation budget.

11 (1) In a case in which the State has filed a statement
12 of intent to seek the death penalty, the court shall
13 require appointed counsel, including those appointed in
14 Cook County, after counsel has had adequate time to review
15 the case and prior to engaging trial assistance, to submit
16 a proposed estimated litigation budget for court approval,
17 that will be subject to modification in light of facts and
18 developments that emerge as the case proceeds. Case
19 budgets should be submitted ex parte and filed and
20 maintained under seal in order to protect the defendant's
21 right to effective assistance of counsel, right not to
22 incriminate him or herself and all applicable privileges.
23 Case budgets shall be reviewed and approved by the judge
24 assigned to try the case. As provided under subsection (c)
25 of this Section, petitions for compensation shall be

1 reviewed by both the trial judge and the presiding judge
2 or the presiding judge's designee.

3 (2) The litigation budget shall serve purposes
4 comparable to those of private retainer agreements by
5 confirming both the court's and the attorney's
6 expectations regarding fees and expenses. Consideration
7 should be given to employing an ex parte pretrial
8 conference in order to facilitate reaching agreement on a
9 litigation budget at the earliest opportunity.

10 (3) The budget shall be incorporated into a sealed
11 initial pretrial order that reflects the understandings of
12 the court and counsel regarding all matters affecting
13 counsel compensation and reimbursement and payments for
14 investigative, expert and other services, including, but
15 not limited to, the following matters:

16 (A) the hourly rate at which counsel will be
17 compensated;

18 (B) the hourly rate at which private
19 investigators, other than investigators employed by
20 the Office of the State Appellate Defender, will be
21 compensated; and

22 (C) the best preliminary estimate that can be made
23 of the cost of all services, including, but not
24 limited to, counsel, expert, and investigative
25 services that are likely to be needed through the
26 guilt and penalty phases of the trial. The court shall

1 have discretion to require that budgets be prepared
2 for shorter intervals of time.

3 (4) Appointed counsel may obtain, subject to later
4 review, investigative, expert, or other services without
5 prior authorization if necessary for an adequate defense.
6 If the services are obtained, the presiding judge or the
7 presiding judge's designee shall consider in an ex parte
8 proceeding that timely procurement of necessary services
9 could not await prior authorization. If an ex parte
10 hearing is requested by defense counsel or deemed
11 necessary by the trial judge prior to modifying a budget,
12 the ex parte hearing shall be before the presiding judge
13 or the presiding judge's designee. The judge may then
14 authorize the services nunc pro tunc. If the presiding
15 judge or the presiding judge's designee finds that the
16 services were not reasonable, payment may be denied.

17 (5) An approved budget shall guide counsel's use of
18 time and resources by indicating the services for which
19 compensation is authorized. The case budget shall be
20 re-evaluated when justified by changed or unexpected
21 circumstances and shall be modified by the court when
22 reasonable and necessary for an adequate defense. If an ex
23 parte hearing is requested by defense counsel or deemed
24 necessary by the trial judge prior to modifying a budget,
25 the ex parte hearing shall be before the presiding judge
26 or the presiding judge's designee.

1 (b) Appointed trial counsel shall be compensated upon
2 presentment and certification by the circuit court of a claim
3 for services detailing the date, activity, and time duration
4 for which compensation is sought. Compensation for appointed
5 trial counsel may be paid at a reasonable rate not to exceed
6 \$125 per hour. The court shall not authorize payment of bills
7 that are not properly itemized. A request for payment shall be
8 presented under seal and reviewed ex parte with a court
9 reporter present. Every January 20, the statutory rate
10 prescribed in this subsection shall be automatically increased
11 or decreased, as applicable, by a percentage equal to the
12 percentage change in the consumer price index-u during the
13 preceding 12-month calendar year. "Consumer price index-u"
14 means the index published by the Bureau of Labor Statistics of
15 the United States Department of Labor that measures the
16 average change in prices of goods and services purchased by
17 all urban consumers, United States city average, all items,
18 1982-84=100. The new rate resulting from each annual
19 adjustment shall be determined by the State Treasurer and made
20 available to the chief judge of each judicial circuit.

21 (c) Appointed trial counsel may also petition the court
22 for certification of expenses for reasonable and necessary
23 capital litigation expenses including, but not limited to,
24 investigatory and other assistance, expert, forensic, and
25 other witnesses, and mitigation specialists. Each provider of
26 proposed services must specify the best preliminary estimate

1 that can be made in light of information received in the case
2 at that point, and the provider must sign this estimate under
3 the provisions of Section 1-109 of the Code of Civil
4 Procedure. A provider of proposed services must also specify:
5 (1) his or her hourly rate; (2) the hourly rate of anyone else
6 in his or her employ for whom reimbursement is sought; and (3)
7 the hourly rate of any person or entity that may be
8 subcontracted to perform these services. Counsel may not
9 petition for certification of expenses that may have been
10 provided or compensated by the State Appellate Defender under
11 item (c)(5.1) of Section 10 of the State Appellate Defender
12 Act. The petitions shall be filed under seal and considered ex
13 parte but with a court reporter present for all ex parte
14 conferences. If the requests are submitted after services have
15 been rendered, the requests shall be supported by an invoice
16 describing the services rendered, the dates the services were
17 performed and the amount of time spent. These petitions shall
18 be reviewed by both the trial judge and the presiding judge of
19 the circuit court or the presiding judge's designee. The
20 petitions and orders shall be kept under seal and shall be
21 exempt from Freedom of Information requests until the
22 conclusion of the trial, even if the prosecution chooses not
23 to pursue the death penalty prior to trial or sentencing. If an
24 ex parte hearing is requested by defense counsel or deemed
25 necessary by the trial judge, the hearing shall be before the
26 presiding judge or the presiding judge's designee.

1 (d) Appointed trial counsel shall petition the court for
2 certification of compensation and expenses under this Section
3 periodically during the course of counsel's representation.
4 The petitions shall be supported by itemized bills showing the
5 date, the amount of time spent, the work done, and the total
6 being charged for each entry. The court shall not authorize
7 payment of bills that are not properly itemized. The court
8 must certify reasonable and necessary expenses of the
9 petitioner for travel and per diem (lodging, meals, and
10 incidental expenses). These expenses must be paid at the rate
11 as promulgated by the United States General Services
12 Administration for these expenses for the date and location in
13 which they were incurred, unless extraordinary reasons are
14 shown for the difference. The petitions shall be filed under
15 seal and considered ex parte but with a court reporter present
16 for all ex parte conferences. The petitions shall be reviewed
17 by both the trial judge and the presiding judge of the circuit
18 court or the presiding judge's designee. If an ex parte
19 hearing is requested by defense counsel or deemed necessary by
20 the trial judge, the ex parte hearing shall be before the
21 presiding judge or the presiding judge's designee. If the
22 court determines that the compensation and expenses should be
23 paid from the Capital Litigation Trust Fund, the court shall
24 certify, on a form created by the State Treasurer, that all or
25 a designated portion of the amount requested is reasonable,
26 necessary, and appropriate for payment from the Trust Fund.

1 The form must also be signed by lead trial counsel under the
2 provisions of Section 1-109 of the Code of Civil Procedure
3 verifying that the amount requested is reasonable, necessary,
4 and appropriate. Bills submitted for payment by any individual
5 or entity seeking payment from the Capital Litigation Trust
6 Fund must also be accompanied by a form created by the State
7 Treasurer and signed by the individual or responsible agent of
8 the entity under the provisions of Section 1-109 of the Code of
9 Civil Procedure that the amount requested is accurate and
10 truthful and reflects time spent or expenses incurred.
11 Certification of compensation and expenses by a court in any
12 county other than Cook County shall be delivered by the court
13 to the State Treasurer and must be paid by the State Treasurer
14 directly from the Capital Litigation Trust Fund if there are
15 sufficient moneys in the Trust Fund to pay the compensation
16 and expenses. If the State Treasurer finds within 14 days of
17 his or her receipt of a certification that the compensation
18 and expenses to be paid are unreasonable, unnecessary, or
19 inappropriate, he or she may return the certification to the
20 court setting forth in detail the objection or objections with
21 a request for the court to review the objection or objections
22 before resubmitting the certification. The State Treasurer
23 must send the claimant a copy of the objection or objections.
24 The State Treasurer may only seek a review of a specific
25 objection once. The claimant has 7 days from his or her receipt
26 of the objections to file a response with the court. With or

1 without further hearing, the court must promptly rule on the
2 objections. The petitions and orders shall be kept under seal
3 and shall be exempt from Freedom of Information requests until
4 the conclusion of the trial and appeal of the case, even if the
5 prosecution chooses not to pursue the death penalty prior to
6 trial or sentencing. Certification of compensation and
7 expenses by a court in Cook County shall be delivered by the
8 court to the county treasurer and paid by the county treasurer
9 from moneys granted to the county from the Capital Litigation
10 Trust Fund.

11 Section 15. Capital Litigation Trust Fund.

12 (a) The Capital Litigation Trust Fund is created as a
13 special fund in the State Treasury. The Trust Fund shall be
14 administered by the State Treasurer to provide moneys for the
15 appropriations to be made, grants to be awarded, and
16 compensation and expenses to be paid under this Act. All
17 interest earned from the investment or deposit of moneys
18 accumulated in the Trust Fund shall, under Section 4.1 of the
19 State Finance Act, be deposited into the Trust Fund.

20 (b) Moneys deposited into the Trust Fund shall not be
21 considered general revenue of the State of Illinois.

22 (c) Moneys deposited into the Trust Fund shall be used
23 exclusively for the purposes of providing funding for the
24 prosecution and defense of capital cases and for providing
25 funding for post-conviction proceedings in capital cases under

1 Article 122 of the Code of Criminal Procedure of 1963 and in
2 relation to petitions filed under Section 2-1401 of the Code
3 of Civil Procedure in relation to capital cases as provided in
4 this Act and shall not be appropriated, loaned, or in any
5 manner transferred to the General Revenue Fund of the State of
6 Illinois.

7 (d) Every fiscal year the State Treasurer shall transfer
8 from the General Revenue Fund to the Capital Litigation Trust
9 Fund an amount equal to the full amount of moneys appropriated
10 by the General Assembly (both by original and supplemental
11 appropriation), less any unexpended balance from the previous
12 fiscal year, from the Capital Litigation Trust Fund for the
13 specific purpose of making funding available for the
14 prosecution and defense of capital cases and for the
15 litigation expenses associated with post-conviction
16 proceedings in capital cases under Article 122 of the Code of
17 Criminal Procedure of 1963 and in relation to petitions filed
18 under Section 2-1401 of the Code of Civil Procedure in
19 relation to capital cases. The Public Defender and State's
20 Attorney in Cook County, the State Appellate Defender, the
21 State's Attorneys Appellate Prosecutor, and the Attorney
22 General shall make annual requests for appropriations from the
23 Trust Fund.

24 (1) The Public Defender in Cook County shall request
25 appropriations to the State Treasurer for expenses
26 incurred by the Public Defender and for funding for

1 private appointed defense counsel in Cook County.

2 (2) The State's Attorney in Cook County shall request
3 an appropriation to the State Treasurer for expenses
4 incurred by the State's Attorney.

5 (3) The State Appellate Defender shall request a
6 direct appropriation from the Trust Fund for expenses
7 incurred by the State Appellate Defender in providing
8 assistance to trial attorneys under item (c)(5.1) of
9 Section 10 of the State Appellate Defender Act and for
10 expenses incurred by the State Appellate Defender in
11 representing petitioners in capital cases in
12 post-conviction proceedings under Article 122 of the Code
13 of Criminal Procedure of 1963 and in relation to petitions
14 filed under Section 2-1401 of the Code of Civil Procedure
15 in relation to capital cases and for the representation of
16 those petitioners by attorneys approved by or contracted
17 with the State Appellate Defender and an appropriation to
18 the State Treasurer for payments from the Trust Fund for
19 the defense of cases in counties other than Cook County.

20 (4) The State's Attorneys Appellate Prosecutor shall
21 request a direct appropriation from the Trust Fund to pay
22 expenses incurred by the State's Attorneys Appellate
23 Prosecutor and an appropriation to the State Treasurer for
24 payments from the Trust Fund for expenses incurred by
25 State's Attorneys in counties other than Cook County.

26 (5) The Attorney General shall request a direct

1 appropriation from the Trust Fund to pay expenses incurred
2 by the Attorney General in assisting the State's Attorneys
3 in counties other than Cook County and to pay for expenses
4 incurred by the Attorney General when the Attorney General
5 is ordered by the presiding judge of the Criminal Division
6 of the Circuit Court of Cook County to prosecute or
7 supervise the prosecution of Cook County cases and for
8 expenses incurred by the Attorney General in representing
9 the State in post-conviction proceedings in capital cases
10 under Article 122 of the Code of Criminal Procedure of
11 1963 and in relation to petitions filed under Section
12 2-1401 of the Code of Civil Procedure in relation to
13 capital cases. The Public Defender and State's Attorney in
14 Cook County, the State Appellate Defender, the State's
15 Attorneys Appellate Prosecutor, and the Attorney General
16 may each request supplemental appropriations from the
17 Trust Fund during the fiscal year.

18 (e) Moneys in the Trust Fund shall be expended only as
19 follows:

20 (1) To pay the State Treasurer's costs to administer
21 the Trust Fund. The amount for this purpose may not exceed
22 5% in any one fiscal year of the amount otherwise
23 appropriated from the Trust Fund in the same fiscal year.

24 (2) To pay the capital litigation expenses of trial
25 defense and post-conviction proceedings in capital cases
26 under Article 122 of the Code of Criminal Procedure of

1 1963 and in relation to petitions filed under Section
2 2-1401 of the Code of Civil Procedure in relation to
3 capital cases including, but not limited to, DNA testing,
4 including DNA testing under Section 116-3 of the Code of
5 Criminal Procedure of 1963, analysis, and expert
6 testimony, investigatory and other assistance, expert,
7 forensic, and other witnesses, and mitigation specialists,
8 and grants and aid provided to public defenders, appellate
9 defenders, and any attorney approved by or contracted with
10 the State Appellate Defender representing petitioners in
11 post-conviction proceedings in capital cases under Article
12 122 of the Code of Criminal Procedure of 1963 and in
13 relation to petitions filed under Section 2-1401 of the
14 Code of Civil Procedure in relation to capital cases or
15 assistance to attorneys who have been appointed by the
16 court to represent defendants who are charged with capital
17 crimes. Reasonable and necessary capital litigation
18 expenses include travel and per diem (lodging, meals, and
19 incidental expenses).

20 (3) To pay the compensation of trial attorneys, other
21 than public defenders or appellate defenders, who have
22 been appointed by the court to represent defendants who
23 are charged with capital crimes or attorneys approved by
24 or contracted with the State Appellate Defender to
25 represent petitioners in post-conviction proceedings in
26 capital cases under Article 122 of the Code of Criminal

1 Procedure of 1963 and in relation to petitions filed under
2 Section 2-1401 of the Code of Civil Procedure in relation
3 to capital cases.

4 (4) To provide State's Attorneys with funding for
5 capital litigation expenses and for expenses of
6 representing the State in post-conviction proceedings in
7 capital cases under Article 122 of the Code of Criminal
8 Procedure of 1963 and in relation to petitions filed under
9 Section 2-1401 of the Code of Civil Procedure in relation
10 to capital cases including, but not limited to,
11 investigatory and other assistance and expert, forensic,
12 and other witnesses necessary to prosecute capital cases.
13 State's Attorneys in any county other than Cook County
14 seeking funding for capital litigation expenses and for
15 expenses of representing the State in post-conviction
16 proceedings in capital cases under Article 122 of the Code
17 of Criminal Procedure of 1963 and in relation to petitions
18 filed under Section 2-1401 of the Code of Civil Procedure
19 in relation to capital cases including, but not limited
20 to, investigatory and other assistance and expert,
21 forensic, or other witnesses under this Section may
22 request that the State's Attorneys Appellate Prosecutor or
23 the Attorney General, as the case may be, certify the
24 expenses as reasonable, necessary, and appropriate for
25 payment from the Trust Fund, on a form created by the State
26 Treasurer. Upon certification of the expenses and delivery

1 of the certification to the State Treasurer, the Treasurer
2 shall pay the expenses directly from the Capital
3 Litigation Trust Fund if there are sufficient moneys in
4 the Trust Fund to pay the expenses.

5 (5) To provide financial support through the Attorney
6 General under the Attorney General Act for the several
7 county State's Attorneys outside of Cook County, but shall
8 not be used to increase personnel for the Attorney
9 General's Office, except when the Attorney General is
10 ordered by the presiding judge of the Criminal Division of
11 the Circuit Court of Cook County to prosecute or supervise
12 the prosecution of Cook County cases.

13 (6) To provide financial support through the State's
14 Attorneys Appellate Prosecutor under the State's Attorneys
15 Appellate Prosecutor's Act for the several county State's
16 Attorneys outside of Cook County, but shall not be used to
17 increase personnel for the State's Attorneys Appellate
18 Prosecutor.

19 (7) To provide financial support to the State
20 Appellate Defender under the State Appellate Defender Act.
21 Moneys expended from the Trust Fund shall be in addition
22 to county funding for Public Defenders and State's
23 Attorneys, and shall not be used to supplant or reduce
24 ordinary and customary county funding.

25 (f) Moneys in the Trust Fund shall be appropriated to the
26 State Appellate Defender, the State's Attorneys Appellate

1 Prosecutor, the Attorney General, and the State Treasurer. The
2 State Appellate Defender shall receive an appropriation from
3 the Trust Fund to enable it to provide assistance to appointed
4 defense counsel and attorneys approved by or contracted with
5 the State Appellate Defender to represent petitioners in
6 post-conviction proceedings in capital cases under Article 122
7 of the Code of Criminal Procedure of 1963 and in relation to
8 petitions filed under Section 2-1401 of the Code of Civil
9 Procedure in relation to capital cases throughout the State
10 and to Public Defenders in counties other than Cook. The
11 State's Attorneys Appellate Prosecutor and the Attorney
12 General shall receive appropriations from the Trust Fund to
13 enable them to provide assistance to State's Attorneys in
14 counties other than Cook County and when the Attorney General
15 is ordered by the presiding judge of the Criminal Division of
16 the Circuit Court of Cook County to prosecute or supervise the
17 prosecution of Cook County cases. Moneys shall be appropriated
18 to the State Treasurer to enable the Treasurer: (i) to make
19 grants to Cook County; (ii) to pay the expenses of Public
20 Defenders, the State Appellate Defender, the Attorney General,
21 the Office of the State's Attorneys Appellate Prosecutor, and
22 State's Attorneys in counties other than Cook County; (iii) to
23 pay the expenses and compensation of appointed defense counsel
24 and attorneys approved by or contracted with the State
25 Appellate Defender to represent petitioners in post-conviction
26 proceedings in capital cases under Article 122 of the Code of

1 Criminal Procedure of 1963 and in relation to petitions filed
2 under Section 2-1401 of the Code of Civil Procedure in
3 relation to capital cases in counties other than Cook County;
4 and (iv) to pay the costs of administering the Trust Fund. All
5 expenditures and grants made from the Trust Fund shall be
6 subject to audit by the Auditor General.

7 (g) For Cook County, grants from the Trust Fund shall be
8 made and administered as follows:

9 (1) For each State fiscal year, the State's Attorney
10 and Public Defender must each make a separate application
11 to the State Treasurer for capital litigation grants.

12 (2) The State Treasurer shall establish rules and
13 procedures for grant applications. The rules shall require
14 the Cook County Treasurer as the grant recipient to report
15 on a periodic basis to the State Treasurer how much of the
16 grant has been expended, how much of the grant is
17 remaining, and the purposes for which the grant has been
18 used. The rules may also require the Cook County Treasurer
19 to certify on a periodic basis that expenditures of the
20 funds have been made for expenses that are reasonable,
21 necessary, and appropriate for payment from the Trust
22 Fund.

23 (3) The State Treasurer shall make the grants to the
24 Cook County Treasurer as soon as possible after the
25 beginning of the State fiscal year.

26 (4) The State's Attorney or Public Defender may apply

1 for supplemental grants during the fiscal year.

2 (5) Grant moneys shall be paid to the Cook County
3 Treasurer in block grants and held in separate accounts
4 for the State's Attorney, the Public Defender, and court
5 appointed defense counsel other than the Cook County
6 Public Defender, respectively, for the designated fiscal
7 year, and are not subject to county appropriation.

8 (6) Expenditure of grant moneys under this subsection
9 (g) is subject to audit by the Auditor General.

10 (7) The Cook County Treasurer shall immediately make
11 payment from the appropriate separate account in the
12 county treasury for capital litigation expenses to the
13 State's Attorney, Public Defender, or court appointed
14 defense counsel other than the Public Defender, as the
15 case may be, upon order of the State's Attorney, Public
16 Defender or the court, respectively.

17 (h) If a defendant in a capital case in Cook County is
18 represented by court appointed counsel other than the Cook
19 County Public Defender, the appointed counsel shall petition
20 the court for an order directing the Cook County Treasurer to
21 pay the court appointed counsel's reasonable and necessary
22 compensation and capital litigation expenses from grant moneys
23 provided from the Trust Fund. The petitions shall be supported
24 by itemized bills showing the date, the amount of time spent,
25 the work done, and the total being charged for each entry. The
26 court shall not authorize payment of bills that are not

1 properly itemized. The petitions shall be filed under seal and
2 considered ex parte but with a court reporter present for all
3 ex parte conferences. The petitions shall be reviewed by both
4 the trial judge and the presiding judge of the circuit court or
5 the presiding judge's designee. The petitions and orders shall
6 be kept under seal and shall be exempt from Freedom of
7 Information requests until the conclusion of the trial and
8 appeal of the case, even if the prosecution chooses not to
9 pursue the death penalty prior to trial or sentencing. Orders
10 denying petitions for compensation or expenses are final.
11 Counsel may not petition for expenses that may have been
12 provided or compensated by the State Appellate Defender under
13 item (c)(5.1) of Section 10 of the State Appellate Defender
14 Act.

15 (i) In counties other than Cook County, and when the
16 Attorney General is ordered by the presiding judge of the
17 Criminal Division of the Circuit Court of Cook County to
18 prosecute or supervise the prosecution of Cook County cases,
19 and excluding capital litigation expenses or services that may
20 have been provided by the State Appellate Defender under item
21 (c)(5.1) of Section 10 of the State Appellate Defender Act:

22 (1) Upon certification by the circuit court, on a form
23 created by the State Treasurer, that all or a portion of
24 the expenses are reasonable, necessary, and appropriate
25 for payment from the Trust Fund and the court's delivery
26 of the certification to the Treasurer, the Treasurer shall

1 pay the certified expenses of Public Defenders and the
2 State Appellate Defender from the money appropriated to
3 the Treasurer for capital litigation expenses of Public
4 Defenders and post-conviction proceeding expenses in
5 capital cases of the State Appellate Defender and expenses
6 in relation to petitions filed under Section 2-1401 of the
7 Code of Civil Procedure in relation to capital cases in
8 any county other than Cook County, if there are sufficient
9 moneys in the Trust Fund to pay the expenses.

10 (2) If a defendant in a capital case is represented by
11 court appointed counsel other than the Public Defender,
12 the appointed counsel shall petition the court to certify
13 compensation and capital litigation expenses including,
14 but not limited to, investigatory and other assistance,
15 expert, forensic, and other witnesses, and mitigation
16 specialists as reasonable, necessary, and appropriate for
17 payment from the Trust Fund. If a petitioner in a capital
18 case who has filed a petition for post-conviction relief
19 under Article 122 of the Code of Criminal Procedure of
20 1963 or a petition under Section 2-1401 of the Code of
21 Civil Procedure in relation to capital cases is
22 represented by an attorney approved by or contracted with
23 the State Appellate Defender other than the State
24 Appellate Defender, that attorney shall petition the court
25 to certify compensation and litigation expenses of
26 post-conviction proceedings under Article 122 of the Code

1 of Criminal Procedure of 1963 or in relation to petitions
2 filed under Section 2-1401 of the Code of Civil Procedure
3 in relation to capital cases. Upon certification on a form
4 created by the State Treasurer of all or a portion of the
5 compensation and expenses certified as reasonable,
6 necessary, and appropriate for payment from the Trust Fund
7 and the court's delivery of the certification to the
8 Treasurer, the State Treasurer shall pay the certified
9 compensation and expenses from the money appropriated to
10 the Treasurer for that purpose, if there are sufficient
11 moneys in the Trust Fund to make those payments.

12 (3) A petition for capital litigation expenses or
13 post-conviction proceeding expenses or expenses incurred
14 in filing a petition under Section 2-1401 of the Code of
15 Civil Procedure in relation to capital cases under this
16 subsection shall be considered under seal and reviewed ex
17 parte with a court reporter present. Orders denying
18 petitions for compensation or expenses are final.

19 (j) If the Trust Fund is discontinued or dissolved by an
20 Act of the General Assembly or by operation of law, any balance
21 remaining in the Trust Fund shall be returned to the General
22 Revenue Fund after deduction of administrative costs, any
23 other provision of this Act to the contrary notwithstanding.

24 Section 90. The Freedom of Information Act is amended by
25 changing Section 7.5 as follows:

1 (5 ILCS 140/7.5)

2 (Text of Section before amendment by P.A. 103-472)

3 Sec. 7.5. Statutory exemptions. To the extent provided for
4 by the statutes referenced below, the following shall be
5 exempt from inspection and copying:

6 (a) All information determined to be confidential
7 under Section 4002 of the Technology Advancement and
8 Development Act.

9 (b) Library circulation and order records identifying
10 library users with specific materials under the Library
11 Records Confidentiality Act.

12 (c) Applications, related documents, and medical
13 records received by the Experimental Organ Transplantation
14 Procedures Board and any and all documents or other
15 records prepared by the Experimental Organ Transplantation
16 Procedures Board or its staff relating to applications it
17 has received.

18 (d) Information and records held by the Department of
19 Public Health and its authorized representatives relating
20 to known or suspected cases of sexually transmissible
21 disease or any information the disclosure of which is
22 restricted under the Illinois Sexually Transmissible
23 Disease Control Act.

24 (e) Information the disclosure of which is exempted
25 under Section 30 of the Radon Industry Licensing Act.

1 (f) Firm performance evaluations under Section 55 of
2 the Architectural, Engineering, and Land Surveying
3 Qualifications Based Selection Act.

4 (g) Information the disclosure of which is restricted
5 and exempted under Section 50 of the Illinois Prepaid
6 Tuition Act.

7 (h) Information the disclosure of which is exempted
8 under the State Officials and Employees Ethics Act, and
9 records of any lawfully created State or local inspector
10 general's office that would be exempt if created or
11 obtained by an Executive Inspector General's office under
12 that Act.

13 (i) Information contained in a local emergency energy
14 plan submitted to a municipality in accordance with a
15 local emergency energy plan ordinance that is adopted
16 under Section 11-21.5-5 of the Illinois Municipal Code.

17 (j) Information and data concerning the distribution
18 of surcharge moneys collected and remitted by carriers
19 under the Emergency Telephone System Act.

20 (k) Law enforcement officer identification information
21 or driver identification information compiled by a law
22 enforcement agency or the Department of Transportation
23 under Section 11-212 of the Illinois Vehicle Code.

24 (l) Records and information provided to a residential
25 health care facility resident sexual assault and death
26 review team or the Executive Council under the Abuse

1 Prevention Review Team Act.

2 (m) Information provided to the predatory lending
3 database created pursuant to Article 3 of the Residential
4 Real Property Disclosure Act, except to the extent
5 authorized under that Article.

6 (n) Defense budgets and petitions for certification of
7 compensation and expenses for court appointed trial
8 counsel as provided under Sections 10 and 15 of the
9 Capital Crimes Litigation Act (repealed). This subsection
10 (n) shall apply until the conclusion of the trial of the
11 case, even if the prosecution chooses not to pursue the
12 death penalty prior to trial or sentencing.

13 (o) Information that is prohibited from being
14 disclosed under Section 4 of the Illinois Health and
15 Hazardous Substances Registry Act.

16 (p) Security portions of system safety program plans,
17 investigation reports, surveys, schedules, lists, data, or
18 information compiled, collected, or prepared by or for the
19 Department of Transportation under Sections 2705-300 and
20 2705-616 of the Department of Transportation Law of the
21 Civil Administrative Code of Illinois, the Regional
22 Transportation Authority under Section 2.11 of the
23 Regional Transportation Authority Act, or the St. Clair
24 County Transit District under the Bi-State Transit Safety
25 Act (repealed).

26 (q) Information prohibited from being disclosed by the

1 Personnel Record Review Act.

2 (r) Information prohibited from being disclosed by the
3 Illinois School Student Records Act.

4 (s) Information the disclosure of which is restricted
5 under Section 5-108 of the Public Utilities Act.

6 (t) (Blank).

7 (u) Records and information provided to an independent
8 team of experts under the Developmental Disability and
9 Mental Health Safety Act (also known as Brian's Law).

10 (v) Names and information of people who have applied
11 for or received Firearm Owner's Identification Cards under
12 the Firearm Owners Identification Card Act or applied for
13 or received a concealed carry license under the Firearm
14 Concealed Carry Act, unless otherwise authorized by the
15 Firearm Concealed Carry Act; and databases under the
16 Firearm Concealed Carry Act, records of the Concealed
17 Carry Licensing Review Board under the Firearm Concealed
18 Carry Act, and law enforcement agency objections under the
19 Firearm Concealed Carry Act.

20 (v-5) Records of the Firearm Owner's Identification
21 Card Review Board that are exempted from disclosure under
22 Section 10 of the Firearm Owners Identification Card Act.

23 (w) Personally identifiable information which is
24 exempted from disclosure under subsection (g) of Section
25 19.1 of the Toll Highway Act.

26 (x) Information which is exempted from disclosure

1 under Section 5-1014.3 of the Counties Code or Section
2 8-11-21 of the Illinois Municipal Code.

3 (y) Confidential information under the Adult
4 Protective Services Act and its predecessor enabling
5 statute, the Elder Abuse and Neglect Act, including
6 information about the identity and administrative finding
7 against any caregiver of a verified and substantiated
8 decision of abuse, neglect, or financial exploitation of
9 an eligible adult maintained in the Registry established
10 under Section 7.5 of the Adult Protective Services Act.

11 (z) Records and information provided to a fatality
12 review team or the Illinois Fatality Review Team Advisory
13 Council under Section 15 of the Adult Protective Services
14 Act.

15 (aa) Information which is exempted from disclosure
16 under Section 2.37 of the Wildlife Code.

17 (bb) Information which is or was prohibited from
18 disclosure by the Juvenile Court Act of 1987.

19 (cc) Recordings made under the Law Enforcement
20 Officer-Worn Body Camera Act, except to the extent
21 authorized under that Act.

22 (dd) Information that is prohibited from being
23 disclosed under Section 45 of the Condominium and Common
24 Interest Community Ombudsperson Act.

25 (ee) Information that is exempted from disclosure
26 under Section 30.1 of the Pharmacy Practice Act.

1 (ff) Information that is exempted from disclosure
2 under the Revised Uniform Unclaimed Property Act.

3 (gg) Information that is prohibited from being
4 disclosed under Section 7-603.5 of the Illinois Vehicle
5 Code.

6 (hh) Records that are exempt from disclosure under
7 Section 1A-16.7 of the Election Code.

8 (ii) Information which is exempted from disclosure
9 under Section 2505-800 of the Department of Revenue Law of
10 the Civil Administrative Code of Illinois.

11 (jj) Information and reports that are required to be
12 submitted to the Department of Labor by registering day
13 and temporary labor service agencies but are exempt from
14 disclosure under subsection (a-1) of Section 45 of the Day
15 and Temporary Labor Services Act.

16 (kk) Information prohibited from disclosure under the
17 Seizure and Forfeiture Reporting Act.

18 (ll) Information the disclosure of which is restricted
19 and exempted under Section 5-30.8 of the Illinois Public
20 Aid Code.

21 (mm) Records that are exempt from disclosure under
22 Section 4.2 of the Crime Victims Compensation Act.

23 (nn) Information that is exempt from disclosure under
24 Section 70 of the Higher Education Student Assistance Act.

25 (oo) Communications, notes, records, and reports
26 arising out of a peer support counseling session

1 prohibited from disclosure under the First Responders
2 Suicide Prevention Act.

3 (pp) Names and all identifying information relating to
4 an employee of an emergency services provider or law
5 enforcement agency under the First Responders Suicide
6 Prevention Act.

7 (qq) Information and records held by the Department of
8 Public Health and its authorized representatives collected
9 under the Reproductive Health Act.

10 (rr) Information that is exempt from disclosure under
11 the Cannabis Regulation and Tax Act.

12 (ss) Data reported by an employer to the Department of
13 Human Rights pursuant to Section 2-108 of the Illinois
14 Human Rights Act.

15 (tt) Recordings made under the Children's Advocacy
16 Center Act, except to the extent authorized under that
17 Act.

18 (uu) Information that is exempt from disclosure under
19 Section 50 of the Sexual Assault Evidence Submission Act.

20 (vv) Information that is exempt from disclosure under
21 subsections (f) and (j) of Section 5-36 of the Illinois
22 Public Aid Code.

23 (ww) Information that is exempt from disclosure under
24 Section 16.8 of the State Treasurer Act.

25 (xx) Information that is exempt from disclosure or
26 information that shall not be made public under the

1 Illinois Insurance Code.

2 (yy) Information prohibited from being disclosed under
3 the Illinois Educational Labor Relations Act.

4 (zz) Information prohibited from being disclosed under
5 the Illinois Public Labor Relations Act.

6 (aaa) Information prohibited from being disclosed
7 under Section 1-167 of the Illinois Pension Code.

8 (bbb) Information that is prohibited from disclosure
9 by the Illinois Police Training Act and the Illinois State
10 Police Act.

11 (ccc) Records exempt from disclosure under Section
12 2605-304 of the Illinois State Police Law of the Civil
13 Administrative Code of Illinois.

14 (ddd) Information prohibited from being disclosed
15 under Section 35 of the Address Confidentiality for
16 Victims of Domestic Violence, Sexual Assault, Human
17 Trafficking, or Stalking Act.

18 (eee) Information prohibited from being disclosed
19 under subsection (b) of Section 75 of the Domestic
20 Violence Fatality Review Act.

21 (fff) Images from cameras under the Expressway Camera
22 Act. This subsection (fff) is inoperative on and after
23 July 1, 2025.

24 (ggg) Information prohibited from disclosure under
25 paragraph (3) of subsection (a) of Section 14 of the Nurse
26 Agency Licensing Act.

1 (hhh) Information submitted to the Illinois State
2 Police in an affidavit or application for an assault
3 weapon endorsement, assault weapon attachment endorsement,
4 .50 caliber rifle endorsement, or .50 caliber cartridge
5 endorsement under the Firearm Owners Identification Card
6 Act.

7 (iii) Data exempt from disclosure under Section 50 of
8 the School Safety Drill Act.

9 (jjj) ~~(hhh)~~ Information exempt from disclosure under
10 Section 30 of the Insurance Data Security Law.

11 (kkk) ~~(iii)~~ Confidential business information
12 prohibited from disclosure under Section 45 of the Paint
13 Stewardship Act.

14 (lll) (Reserved).

15 (mmm) ~~(iii)~~ Information prohibited from being
16 disclosed under subsection (e) of Section 1-129 of the
17 Illinois Power Agency Act.

18 (Source: P.A. 102-36, eff. 6-25-21; 102-237, eff. 1-1-22;
19 102-292, eff. 1-1-22; 102-520, eff. 8-20-21; 102-559, eff.
20 8-20-21; 102-813, eff. 5-13-22; 102-946, eff. 7-1-22;
21 102-1042, eff. 6-3-22; 102-1116, eff. 1-10-23; 103-8, eff.
22 6-7-23; 103-34, eff. 6-9-23; 103-142, eff. 1-1-24; 103-372,
23 eff. 1-1-24; 103-508, eff. 8-4-23; 103-580, eff. 12-8-23;
24 revised 1-2-24.)

25 (Text of Section after amendment by P.A. 103-472)

1 Sec. 7.5. Statutory exemptions. To the extent provided for
2 by the statutes referenced below, the following shall be
3 exempt from inspection and copying:

4 (a) All information determined to be confidential
5 under Section 4002 of the Technology Advancement and
6 Development Act.

7 (b) Library circulation and order records identifying
8 library users with specific materials under the Library
9 Records Confidentiality Act.

10 (c) Applications, related documents, and medical
11 records received by the Experimental Organ Transplantation
12 Procedures Board and any and all documents or other
13 records prepared by the Experimental Organ Transplantation
14 Procedures Board or its staff relating to applications it
15 has received.

16 (d) Information and records held by the Department of
17 Public Health and its authorized representatives relating
18 to known or suspected cases of sexually transmissible
19 disease or any information the disclosure of which is
20 restricted under the Illinois Sexually Transmissible
21 Disease Control Act.

22 (e) Information the disclosure of which is exempted
23 under Section 30 of the Radon Industry Licensing Act.

24 (f) Firm performance evaluations under Section 55 of
25 the Architectural, Engineering, and Land Surveying
26 Qualifications Based Selection Act.

1 (g) Information the disclosure of which is restricted
2 and exempted under Section 50 of the Illinois Prepaid
3 Tuition Act.

4 (h) Information the disclosure of which is exempted
5 under the State Officials and Employees Ethics Act, and
6 records of any lawfully created State or local inspector
7 general's office that would be exempt if created or
8 obtained by an Executive Inspector General's office under
9 that Act.

10 (i) Information contained in a local emergency energy
11 plan submitted to a municipality in accordance with a
12 local emergency energy plan ordinance that is adopted
13 under Section 11-21.5-5 of the Illinois Municipal Code.

14 (j) Information and data concerning the distribution
15 of surcharge moneys collected and remitted by carriers
16 under the Emergency Telephone System Act.

17 (k) Law enforcement officer identification information
18 or driver identification information compiled by a law
19 enforcement agency or the Department of Transportation
20 under Section 11-212 of the Illinois Vehicle Code.

21 (l) Records and information provided to a residential
22 health care facility resident sexual assault and death
23 review team or the Executive Council under the Abuse
24 Prevention Review Team Act.

25 (m) Information provided to the predatory lending
26 database created pursuant to Article 3 of the Residential

1 Real Property Disclosure Act, except to the extent
2 authorized under that Article.

3 (n) Defense budgets and petitions for certification of
4 compensation and expenses for court appointed trial
5 counsel as provided under Sections 10 and 15 of the
6 Capital Crimes Litigation Act (repealed) or the Capital
7 Crimes Litigation Act of 2024. This subsection (n) shall
8 apply until the conclusion of the trial of the case, even
9 if the prosecution chooses not to pursue the death penalty
10 prior to trial or sentencing.

11 (o) Information that is prohibited from being
12 disclosed under Section 4 of the Illinois Health and
13 Hazardous Substances Registry Act.

14 (p) Security portions of system safety program plans,
15 investigation reports, surveys, schedules, lists, data, or
16 information compiled, collected, or prepared by or for the
17 Department of Transportation under Sections 2705-300 and
18 2705-616 of the Department of Transportation Law of the
19 Civil Administrative Code of Illinois, the Regional
20 Transportation Authority under Section 2.11 of the
21 Regional Transportation Authority Act, or the St. Clair
22 County Transit District under the Bi-State Transit Safety
23 Act (repealed).

24 (q) Information prohibited from being disclosed by the
25 Personnel Record Review Act.

26 (r) Information prohibited from being disclosed by the

1 Illinois School Student Records Act.

2 (s) Information the disclosure of which is restricted
3 under Section 5-108 of the Public Utilities Act.

4 (t) (Blank).

5 (u) Records and information provided to an independent
6 team of experts under the Developmental Disability and
7 Mental Health Safety Act (also known as Brian's Law).

8 (v) Names and information of people who have applied
9 for or received Firearm Owner's Identification Cards under
10 the Firearm Owners Identification Card Act or applied for
11 or received a concealed carry license under the Firearm
12 Concealed Carry Act, unless otherwise authorized by the
13 Firearm Concealed Carry Act; and databases under the
14 Firearm Concealed Carry Act, records of the Concealed
15 Carry Licensing Review Board under the Firearm Concealed
16 Carry Act, and law enforcement agency objections under the
17 Firearm Concealed Carry Act.

18 (v-5) Records of the Firearm Owner's Identification
19 Card Review Board that are exempted from disclosure under
20 Section 10 of the Firearm Owners Identification Card Act.

21 (w) Personally identifiable information which is
22 exempted from disclosure under subsection (g) of Section
23 19.1 of the Toll Highway Act.

24 (x) Information which is exempted from disclosure
25 under Section 5-1014.3 of the Counties Code or Section
26 8-11-21 of the Illinois Municipal Code.

1 (y) Confidential information under the Adult
2 Protective Services Act and its predecessor enabling
3 statute, the Elder Abuse and Neglect Act, including
4 information about the identity and administrative finding
5 against any caregiver of a verified and substantiated
6 decision of abuse, neglect, or financial exploitation of
7 an eligible adult maintained in the Registry established
8 under Section 7.5 of the Adult Protective Services Act.

9 (z) Records and information provided to a fatality
10 review team or the Illinois Fatality Review Team Advisory
11 Council under Section 15 of the Adult Protective Services
12 Act.

13 (aa) Information which is exempted from disclosure
14 under Section 2.37 of the Wildlife Code.

15 (bb) Information which is or was prohibited from
16 disclosure by the Juvenile Court Act of 1987.

17 (cc) Recordings made under the Law Enforcement
18 Officer-Worn Body Camera Act, except to the extent
19 authorized under that Act.

20 (dd) Information that is prohibited from being
21 disclosed under Section 45 of the Condominium and Common
22 Interest Community Ombudsperson Act.

23 (ee) Information that is exempted from disclosure
24 under Section 30.1 of the Pharmacy Practice Act.

25 (ff) Information that is exempted from disclosure
26 under the Revised Uniform Unclaimed Property Act.

1 (gg) Information that is prohibited from being
2 disclosed under Section 7-603.5 of the Illinois Vehicle
3 Code.

4 (hh) Records that are exempt from disclosure under
5 Section 1A-16.7 of the Election Code.

6 (ii) Information which is exempted from disclosure
7 under Section 2505-800 of the Department of Revenue Law of
8 the Civil Administrative Code of Illinois.

9 (jj) Information and reports that are required to be
10 submitted to the Department of Labor by registering day
11 and temporary labor service agencies but are exempt from
12 disclosure under subsection (a-1) of Section 45 of the Day
13 and Temporary Labor Services Act.

14 (kk) Information prohibited from disclosure under the
15 Seizure and Forfeiture Reporting Act.

16 (ll) Information the disclosure of which is restricted
17 and exempted under Section 5-30.8 of the Illinois Public
18 Aid Code.

19 (mm) Records that are exempt from disclosure under
20 Section 4.2 of the Crime Victims Compensation Act.

21 (nn) Information that is exempt from disclosure under
22 Section 70 of the Higher Education Student Assistance Act.

23 (oo) Communications, notes, records, and reports
24 arising out of a peer support counseling session
25 prohibited from disclosure under the First Responders
26 Suicide Prevention Act.

1 (pp) Names and all identifying information relating to
2 an employee of an emergency services provider or law
3 enforcement agency under the First Responders Suicide
4 Prevention Act.

5 (qq) Information and records held by the Department of
6 Public Health and its authorized representatives collected
7 under the Reproductive Health Act.

8 (rr) Information that is exempt from disclosure under
9 the Cannabis Regulation and Tax Act.

10 (ss) Data reported by an employer to the Department of
11 Human Rights pursuant to Section 2-108 of the Illinois
12 Human Rights Act.

13 (tt) Recordings made under the Children's Advocacy
14 Center Act, except to the extent authorized under that
15 Act.

16 (uu) Information that is exempt from disclosure under
17 Section 50 of the Sexual Assault Evidence Submission Act.

18 (vv) Information that is exempt from disclosure under
19 subsections (f) and (j) of Section 5-36 of the Illinois
20 Public Aid Code.

21 (ww) Information that is exempt from disclosure under
22 Section 16.8 of the State Treasurer Act.

23 (xx) Information that is exempt from disclosure or
24 information that shall not be made public under the
25 Illinois Insurance Code.

26 (yy) Information prohibited from being disclosed under

1 the Illinois Educational Labor Relations Act.

2 (zz) Information prohibited from being disclosed under
3 the Illinois Public Labor Relations Act.

4 (aaa) Information prohibited from being disclosed
5 under Section 1-167 of the Illinois Pension Code.

6 (bbb) Information that is prohibited from disclosure
7 by the Illinois Police Training Act and the Illinois State
8 Police Act.

9 (ccc) Records exempt from disclosure under Section
10 2605-304 of the Illinois State Police Law of the Civil
11 Administrative Code of Illinois.

12 (ddd) Information prohibited from being disclosed
13 under Section 35 of the Address Confidentiality for
14 Victims of Domestic Violence, Sexual Assault, Human
15 Trafficking, or Stalking Act.

16 (eee) Information prohibited from being disclosed
17 under subsection (b) of Section 75 of the Domestic
18 Violence Fatality Review Act.

19 (fff) Images from cameras under the Expressway Camera
20 Act. This subsection (fff) is inoperative on and after
21 July 1, 2025.

22 (ggg) Information prohibited from disclosure under
23 paragraph (3) of subsection (a) of Section 14 of the Nurse
24 Agency Licensing Act.

25 (hhh) Information submitted to the Illinois State
26 Police in an affidavit or application for an assault

1 weapon endorsement, assault weapon attachment endorsement,
2 .50 caliber rifle endorsement, or .50 caliber cartridge
3 endorsement under the Firearm Owners Identification Card
4 Act.

5 (iii) Data exempt from disclosure under Section 50 of
6 the School Safety Drill Act.

7 (jjj) ~~(hhh)~~ Information exempt from disclosure under
8 Section 30 of the Insurance Data Security Law.

9 (kkk) ~~(iii)~~ Confidential business information
10 prohibited from disclosure under Section 45 of the Paint
11 Stewardship Act.

12 (lll) ~~(iii)~~ Data exempt from disclosure under Section
13 2-3.196 of the School Code.

14 (mmm) ~~(iii)~~ Information prohibited from being
15 disclosed under subsection (e) of Section 1-129 of the
16 Illinois Power Agency Act.

17 (Source: P.A. 102-36, eff. 6-25-21; 102-237, eff. 1-1-22;
18 102-292, eff. 1-1-22; 102-520, eff. 8-20-21; 102-559, eff.
19 8-20-21; 102-813, eff. 5-13-22; 102-946, eff. 7-1-22;
20 102-1042, eff. 6-3-22; 102-1116, eff. 1-10-23; 103-8, eff.
21 6-7-23; 103-34, eff. 6-9-23; 103-142, eff. 1-1-24; 103-372,
22 eff. 1-1-24; 103-472, eff. 8-1-24; 103-508, eff. 8-4-23;
23 103-580, eff. 12-8-23; revised 1-2-24.)

24 Section 95. The State Finance Act is amended by adding
25 Section 5.1015 as follows:

1 (30 ILCS 105/5.1015 new)

2 Sec. 5.1015. The Capital Litigation Trust Fund.

3 (30 ILCS 105/5.790 rep.)

4 Section 100. The State Finance Act is amended by repealing
5 Section 5.790.

6 Section 105. The Code of Criminal Procedure of 1963 is
7 amended by changing Sections 113-3 and 119-1 as follows:

8 (725 ILCS 5/113-3) (from Ch. 38, par. 113-3)

9 Sec. 113-3. (a) Every person charged with an offense shall
10 be allowed counsel before pleading to the charge. If the
11 defendant desires counsel and has been unable to obtain same
12 before arraignment the court shall recess court or continue
13 the cause for a reasonable time to permit defendant to obtain
14 counsel and consult with him before pleading to the charge. If
15 the accused is a dissolved corporation, and is not represented
16 by counsel, the court may, in the interest of justice, appoint
17 as counsel a licensed attorney of this State.

18 (b) In all cases, except where the penalty is a fine only,
19 if the court determines that the defendant is indigent and
20 desires counsel, the Public Defender shall be appointed as
21 counsel. If there is no Public Defender in the county or if the
22 defendant requests counsel other than the Public Defender and

1 the court finds that the rights of the defendant will be
2 prejudiced by the appointment of the Public Defender, the
3 court shall appoint as counsel a licensed attorney at law of
4 this State, except that in a county having a population of
5 2,000,000 or more the Public Defender shall be appointed as
6 counsel in all misdemeanor cases where the defendant is
7 indigent and desires counsel unless the case involves multiple
8 defendants, in which case the court may appoint counsel other
9 than the Public Defender for the additional defendants. The
10 court shall require an affidavit signed by any defendant who
11 requests court-appointed counsel. Such affidavit shall be in
12 the form established by the Supreme Court containing
13 sufficient information to ascertain the assets and liabilities
14 of that defendant. The Court may direct the Clerk of the
15 Circuit Court to assist the defendant in the completion of the
16 affidavit. Any person who knowingly files such affidavit
17 containing false information concerning his assets and
18 liabilities shall be liable to the county where the case, in
19 which such false affidavit is filed, is pending for the
20 reasonable value of the services rendered by the public
21 defender or other court-appointed counsel in the case to the
22 extent that such services were unjustly or falsely procured.

23 (c) Upon the filing with the court of a verified statement
24 of services rendered the court shall order the county
25 treasurer of the county of trial to pay counsel other than the
26 Public Defender a reasonable fee. The court shall consider all

1 relevant circumstances, including but not limited to the time
2 spent while court is in session, other time spent in
3 representing the defendant, and expenses reasonably incurred
4 by counsel. In counties with a population greater than
5 2,000,000, the court shall order the county treasurer of the
6 county of trial to pay counsel other than the Public Defender a
7 reasonable fee stated in the order and based upon a rate of
8 compensation of not more than \$40 for each hour spent while
9 court is in session and not more than \$30 for each hour
10 otherwise spent representing a defendant, and such
11 compensation shall not exceed \$150 for each defendant
12 represented in misdemeanor cases and \$1250 in felony cases, in
13 addition to expenses reasonably incurred as hereinafter in
14 this Section provided, except that, in extraordinary
15 circumstances, payment in excess of the limits herein stated
16 may be made if the trial court certifies that such payment is
17 necessary to provide fair compensation for protracted
18 representation. A trial court may entertain the filing of this
19 verified statement before the termination of the cause, and
20 may order the provisional payment of sums during the pendency
21 of the cause.

22 (d) In capital cases, in addition to counsel, if the court
23 determines that the defendant is indigent the court may, upon
24 the filing with the court of a verified statement of services
25 rendered, order the county Treasurer of the county of trial to
26 pay necessary expert witnesses for defendant reasonable

1 compensation stated in the order not to exceed \$250 for each
2 defendant.

3 (e) If the court in any county having a population greater
4 than 2,000,000 determines that the defendant is indigent the
5 court may, upon the filing with the court of a verified
6 statement of such expenses, order the county treasurer of the
7 county of trial, in such counties having a population greater
8 than 2,000,000 to pay the general expenses of the trial
9 incurred by the defendant not to exceed \$50 for each
10 defendant.

11 (f) The provisions of this Section relating to appointment
12 of counsel, compensation of counsel, and payment of expenses
13 in capital cases apply except when the compensation and
14 expenses are being provided under the Capital Crimes
15 Litigation Act of 2024.

16 (Source: P.A. 91-589, eff. 1-1-00.)

17 (725 ILCS 5/119-1)

18 Sec. 119-1. Death penalty restored ~~abolished~~.

19 (a) (Blank). ~~Beginning on the effective date of this~~
20 ~~amendatory Act of the 96th General Assembly, notwithstanding~~
21 ~~any other law to the contrary, the death penalty is abolished~~
22 ~~and a sentence to death may not be imposed.~~

23 (b) All unobligated and unexpended moneys remaining in ~~the~~
24 ~~Capital Litigation Trust Fund on the effective date of this~~
25 ~~amendatory Act of the 96th General Assembly shall be~~

1 ~~transferred into~~ the Death Penalty Abolition Fund on the
2 effective date of this amendatory Act of the 103rd General
3 Assembly shall be transferred into the Capital Litigation
4 Trust Fund , ~~a special fund in the State treasury, to be~~
5 ~~expended by the Illinois Criminal Justice Information~~
6 ~~Authority, for services for families of victims of homicide or~~
7 ~~murder and for training of law enforcement personnel.~~

8 (Source: P.A. 96-1543, eff. 7-1-11.)

9 Section 110. The State Appellate Defender Act is amended
10 by changing Section 10 as follows:

11 (725 ILCS 105/10) (from Ch. 38, par. 208-10)

12 Sec. 10. Powers and duties of State Appellate Defender.

13 (a) The State Appellate Defender shall represent indigent
14 persons on appeal in criminal and delinquent minor
15 proceedings, when appointed to do so by a court under a Supreme
16 Court Rule or law of this State.

17 (b) The State Appellate Defender shall submit a budget for
18 the approval of the State Appellate Defender Commission.

19 (c) The State Appellate Defender may:

20 (1) maintain a panel of private attorneys available to
21 serve as counsel on a case basis;

22 (2) establish programs, alone or in conjunction with
23 law schools, for the purpose of utilizing volunteer law
24 students as legal assistants;

1 (3) cooperate and consult with state agencies,
2 professional associations, and other groups concerning the
3 causes of criminal conduct, the rehabilitation and
4 correction of persons charged with and convicted of crime,
5 the administration of criminal justice, and, in counties
6 of less than 1,000,000 population, study, design, develop
7 and implement model systems for the delivery of trial
8 level defender services, and make an annual report to the
9 General Assembly;

10 (4) hire investigators to provide investigative
11 services to appointed counsel and county public defenders;

12 (5) (blank);

13 (5.1) in cases in which a death sentence is an
14 authorized disposition, provide trial counsel with legal
15 assistance and the assistance of expert witnesses,
16 investigators, and mitigation specialists from funds
17 appropriated to the State Appellate Defender specifically
18 for that purpose by the General Assembly. The Office of
19 State Appellate Defender shall not be appointed to serve
20 as trial counsel in capital cases;

21 (5.5) provide training to county public defenders;

22 (5.7) provide county public defenders with the
23 assistance of expert witnesses and investigators from
24 funds appropriated to the State Appellate Defender
25 specifically for that purpose by the General Assembly. The
26 Office of the State Appellate Defender shall not be

1 appointed to act as trial counsel;

2 (6) develop a Juvenile Defender Resource Center to:

3 (i) study, design, develop, and implement model systems
4 for the delivery of trial level defender services for
5 juveniles in the justice system; (ii) in cases in which a
6 sentence of incarceration or an adult sentence, or both,
7 is an authorized disposition, provide trial counsel with
8 legal advice and the assistance of expert witnesses and
9 investigators from funds appropriated to the Office of the
10 State Appellate Defender by the General Assembly
11 specifically for that purpose; (iii) develop and provide
12 training to public defenders on juvenile justice issues,
13 utilizing resources including the State and local bar
14 associations, the Illinois Public Defender Association,
15 law schools, the Midwest Juvenile Defender Center, and pro
16 bono efforts by law firms; and (iv) make an annual report
17 to the General Assembly.

18 Investigators employed by the Capital Trial Assistance
19 Unit and Capital Post Conviction Unit of the State Appellate
20 Defender shall be authorized to inquire through the Illinois
21 State Police or local law enforcement with the Law Enforcement
22 Agencies Data System (LEADS) under Section 2605-375 of the
23 Civil Administrative Code of Illinois to ascertain whether
24 their potential witnesses have a criminal background,
25 including, but not limited to: (i) warrants; (ii) arrests;
26 (iii) convictions; and (iv) officer safety information. This

1 authorization applies only to information held on the State
2 level and shall be used only to protect the personal safety of
3 the investigators. Any information that is obtained through
4 this inquiry may not be disclosed by the investigators.

5 (c-5) For each State fiscal year, the State Appellate
6 Defender shall request a direct appropriation from the Capital
7 Litigation Trust Fund for expenses incurred by the State
8 Appellate Defender in providing assistance to trial attorneys
9 under paragraph (5.1) of subsection (c) of this Section and
10 for expenses incurred by the State Appellate Defender in
11 representing petitioners in capital cases in post-conviction
12 proceedings under Article 122 of the Code of Criminal
13 Procedure of 1963 and in relation to petitions filed under
14 Section 2-1401 of the Code of Civil Procedure in relation to
15 capital cases and for the representation of those petitioners
16 by attorneys approved by or contracted with the State
17 Appellate Defender and an appropriation to the State Treasurer
18 for payments from the Trust Fund for the defense of cases in
19 counties other than Cook County. The State Appellate Defender
20 may appear before the General Assembly at other times during
21 the State's fiscal year to request supplemental appropriations
22 from the Trust Fund to the State Treasurer.

23 (d) (Blank).

24 (e) The requirement for reporting to the General Assembly
25 shall be satisfied by filing copies of the report as required
26 by Section 3.1 of the General Assembly Organization Act and

1 filing such additional copies with the State Government Report
2 Distribution Center for the General Assembly as is required
3 under paragraph (t) of Section 7 of the State Library Act.
4 (Source: P.A. 99-78, eff. 7-20-15; 100-1148, eff. 12-10-18.)

5 Section 115. The Unified Code of Corrections is amended by
6 changing Section 5-8-1 as follows:

7 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

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

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

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

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

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

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

25 (A) the murdered individual:

26 (i) was actually killed by the

1 defendant, or

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

25 (B) in performing the acts which caused
26 the death of the murdered individual or which

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

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

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

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

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

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

1 killed an individual or counseled, commanded,
2 induced, procured or caused the intentional
3 killing of the murdered individual;

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

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

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

25 (11) the murder was committed as a result of
26 the intentional discharge of a firearm by the

1 defendant from a motor vehicle and the victim was
2 not present within the motor vehicle;

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

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

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

25 (15) the murder was committed by the defendant
26 in connection with or as a result of the offense of

1 terrorism as defined in Section 29D-14.9 of this
2 Code;

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

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

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

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

22 (c) Except as otherwise provided in subparagraph
23 (c-1) of paragraph (1) of subsection (a), the court
24 shall sentence the defendant to a term of natural life
25 imprisonment if the defendant, at the time of the
26 commission of the murder, had attained the age of 18,

1 and:

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

4 (ii) is found guilty of murdering more than
5 one victim, or

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

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

26 (v) is found guilty of murdering an emergency

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

16 (vi) (blank), or

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

25 For purposes of clause (v), "emergency medical
26 technician - ambulance", "emergency medical technician

1 - intermediate", "emergency medical technician -
2 paramedic", have the meanings ascribed to them in the
3 Emergency Medical Services (EMS) Systems Act, ~~or~~

4 (c-1) A defendant who at the time of the
5 commission of the offense has attained the age of 18 or
6 more and who has been found guilty of first degree
7 murder may be sentenced to death if the murdered
8 individual was a person described in clause (iii),
9 (iv), or (v) of subparagraph (c) of paragraph (1) of
10 subsection (a), other than an emergency management
11 worker, and the murdered individual was killed in the
12 course of performing his or her official duties, or to
13 prevent the individual from performing his or her
14 official duties, or in retaliation for the performance
15 of his or her official duties and, in the case of
16 individuals described clauses (iii) and (v), the
17 defendant knew or should have known that the murdered
18 individual was a person described in clause (iii) or
19 (v).

20 (c-2) The court shall consider, or shall instruct
21 the jury to consider the aggravating factors listed in
22 subparagraph (c-1) and any mitigating factors which
23 are relevant to the imposition of the death penalty.
24 Mitigating factors may include, but need not be
25 limited to, the following:

26 (1) the defendant has no significant history

1 of prior criminal activity;

2 (2) the murder was committed while the
3 defendant was under the influence of extreme
4 mental or emotional disturbance, although not such
5 as to constitute a defense to prosecution;

6 (3) the murdered individual was a participant
7 in the defendant's homicidal conduct or consented
8 to the homicidal act;

9 (4) the defendant acted under the compulsion
10 of threat or menace of the imminent infliction of
11 death or great bodily harm;

12 (5) the defendant was not personally present
13 during commission of the act or acts causing
14 death;

15 (6) the defendant's background includes a
16 history of extreme emotional or physical abuse;

17 (7) the defendant suffers from a reduced
18 mental capacity. Provided, however, that an action
19 that does not otherwise mitigate first degree
20 murder cannot qualify as a mitigating factor for
21 first degree murder because of the discovery,
22 knowledge, or disclosure of the victim's sexual
23 orientation as defined in Section 1-103 of the
24 Illinois Human Rights Act.

25 (c-3) If requested by the State, the court shall
26 conduct a separate sentencing proceeding to determine

1 the existence of factors set forth in subparagraph
2 (c-2) and to consider any aggravating factors listed
3 in subparagraph (c-1) or mitigating factors as
4 indicated in subparagraph (c-2). The proceeding shall
5 be conducted:

6 (1) before the jury that determined the
7 defendant's guilt; or

8 (2) before a jury impanelled for the purpose
9 of the proceeding if:

10 (A) the defendant was convicted upon a
11 plea of guilty; or

12 (B) the defendant was convicted after a
13 trial before the court sitting without a jury;
14 or

15 (C) the court for good cause shown
16 discharges the jury that determined the
17 defendant's guilt; or

18 (3) before the court alone if the defendant
19 waives a jury for the separate proceeding.

20 (c-4) During the proceeding any information
21 relevant to any of the factors set forth in
22 subparagraph (c-1) or (c-2) may be presented by either
23 the State or the defendant under the rules governing
24 the admission of evidence at criminal trials. Any
25 information relevant to any additional aggravating
26 factors or any mitigating factors indicated in

1 subparagraph (c-1) may be presented by the State or
2 defendant regardless of its admissibility under the
3 rules governing the admission of evidence at criminal
4 trials. The State and the defendant shall be given
5 fair opportunity to rebut any information received at
6 the hearing.

7 (c-5) The burden of proof of establishing the
8 existence of any of the factors set forth in
9 subparagraph (c-1) is on the State and shall not be
10 satisfied unless established beyond a reasonable
11 doubt.

12 (c-6) If at the separate sentencing proceeding the
13 jury finds that none of the factors set forth in
14 subparagraph (c-1) exists, the court shall sentence
15 the defendant to a term of imprisonment under Chapter
16 V. If there is a unanimous finding by the jury that one
17 or more of the factors set forth in subparagraph (c-1)
18 exist, the jury shall consider aggravating and
19 mitigating factors as instructed by the court and
20 shall determine whether the sentence of death shall be
21 imposed. If the jury determines unanimously, after
22 weighing the factors in aggravation and mitigation,
23 that death is the appropriate sentence, the court
24 shall sentence the defendant to death. If the court
25 does not concur with the jury determination that death
26 is the appropriate sentence, the court shall set forth

1 reasons in writing including what facts or
2 circumstances the court relied upon, along with any
3 relevant documents, that compelled the court to
4 non-concur with the sentence. This document and any
5 attachments shall be part of the record for appellate
6 review. The court shall be bound by the jury's
7 sentencing determination. If after weighing the
8 factors in aggravation and mitigation, one or more
9 jurors determines that death is not the appropriate
10 sentence, the court shall sentence the defendant to a
11 term of imprisonment under Chapter V.

12 (c-7) In a proceeding before the court alone, if
13 the court finds that none of the factors found in
14 subparagraph (c-1) exists, the court shall sentence
15 the defendant to a term of imprisonment under Chapter
16 V. If the court determines that one or more of the
17 factors set forth in subparagraph (c-1) exists, the
18 court shall consider any aggravating and mitigating
19 factors as indicated in subparagraph (c-2). If the
20 court determines, after weighing the factors in
21 aggravation and mitigation, that death is the
22 appropriate sentence, the court shall sentence the
23 defendant to death. If the court finds that death is
24 not the appropriate sentence, the court shall sentence
25 the defendant to a term of imprisonment under Chapter
26 V.

1 (c-8) In a case in which the defendant has been
2 found guilty of first degree murder by a judge or jury,
3 or a case on remand for resentencing, and the State
4 seeks the death penalty as an appropriate sentence, on
5 the court's own motion or the written motion of the
6 defendant, the court may decertify the case as a death
7 penalty case if the court finds that the only evidence
8 supporting the defendant's conviction is the
9 uncorroborated testimony of an informant witness, as
10 defined in Section 115-21 of the Code of Criminal
11 Procedure of 1963, concerning the confession or
12 admission of the defendant or that the sole evidence
13 against the defendant is a single eyewitness or single
14 accomplice without any other corroborating evidence.
15 If the court decertifies the case as a capital case
16 under either of the grounds set forth above, the court
17 shall issue a written finding. The State may pursue
18 its right to appeal the decertification pursuant to
19 Supreme Court Rule 604(a)(1). If the court does not
20 decertify the case as a capital case, the matter shall
21 proceed to the eligibility phase of the sentencing
22 hearing.

23 (c-9) The conviction and sentence of death shall
24 be subject to automatic review by the Supreme Court.
25 Such review shall be in accordance with rules
26 promulgated by the Supreme Court. The Illinois Supreme

1 Court may overturn the death sentence, and order the
2 imposition of imprisonment under Chapter V if the
3 court finds that the death sentence is fundamentally
4 unjust as applied to the particular case. If the
5 Illinois Supreme Court finds that the death sentence
6 is fundamentally unjust as applied to the particular
7 case, independent of any procedural grounds for
8 relief, the Illinois Supreme Court shall issue a
9 written opinion explaining this finding.

10 (c-10) If the death penalty in this Section is
11 held to be unconstitutional by the Supreme Court of
12 the United States or of the State of Illinois, any
13 person convicted of first degree murder shall be
14 sentenced by the court to a term of imprisonment under
15 Chapter V. If any death sentence pursuant to the
16 sentencing provisions of this Section is declared
17 unconstitutional by the Supreme Court of the United
18 States or of the State of Illinois, the court having
19 jurisdiction over a person previously sentenced to
20 death shall cause the defendant to be brought before
21 the court, and the court shall sentence the defendant
22 to a term of imprisonment under Chapter V.

23 (c-11) The Attorney General and State's Attorneys
24 Association shall consult on voluntary guidelines for
25 procedures governing whether or not to seek the death
26 penalty. The guidelines do not have the force of law

1 and are only advisory in nature.

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

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

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

16 (2) (blank);

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

1 1961 or the Criminal Code of 2012, the sentence shall be a
2 term of natural life imprisonment.

3 (b) (Blank).

4 (c) (Blank).

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

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

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

24 (2) except as provided in paragraph (7) of this
25 subsection (d), for a Class 1 felony or a Class 2 felony
26 except for the offense of criminal sexual assault if

1 committed on or after December 13, 2005 (the effective
2 date of Public Act 94-715) and except for the offenses of
3 manufacture and dissemination of child pornography under
4 clauses (a)(1) and (a)(2) of Section 11-20.1 of the
5 Criminal Code of 1961 or the Criminal Code of 2012, if
6 committed on or after January 1, 2009, 12 months;

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

22 (4) for defendants who commit the offense of predatory
23 criminal sexual assault of a child, aggravated criminal
24 sexual assault, or criminal sexual assault, on or after
25 December 13, 2005 (the effective date of Public Act
26 94-715), or who commit the offense of aggravated child

1 pornography under Section 11-20.1B, 11-20.3, or 11-20.1
2 with sentencing under subsection (c-5) of Section 11-20.1
3 of the Criminal Code of 1961 or the Criminal Code of 2012,
4 manufacture of child pornography, or dissemination of
5 child pornography after January 1, 2009, the term of
6 mandatory supervised release shall range from a minimum of
7 3 years to a maximum of the natural life of the defendant;

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

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

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

1 pornography under Section 11-20.1B, 11-20.3, or 11-20.1
2 with sentencing under subsection (c-5) of Section 11-20.1
3 of the Criminal Code of 1961 or the Criminal Code of 2012,
4 if committed on or after January 1, 2009 and except as
5 provided in paragraph (4) or paragraph (6) of this
6 subsection (d), the term of mandatory supervised release
7 shall be as follows:

8 (A) Class X felony, 3 years;

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

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

11 (e) (Blank).

12 (f) (Blank).

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

22 (Source: P.A. 102-28, eff. 6-25-21; 102-687, eff. 12-17-21;
23 102-694, eff. 1-7-22; 102-1104, eff. 12-6-22; 103-51, eff.
24 1-1-24.)

25 Section 995. No acceleration or delay. Where this Act

1 makes changes in a statute that is represented in this Act by
2 text that is not yet or no longer in effect (for example, a
3 Section represented by multiple versions), the use of that
4 text does not accelerate or delay the taking effect of (i) the
5 changes made by this Act or (ii) provisions derived from any
6 other Public Act.

1 INDEX

2 Statutes amended in order of appearance

3 New Act

4 5 ILCS 140/7.5

5 30 ILCS 105/5.1015 new

6 30 ILCS 105/5.790 rep.

7 725 ILCS 5/113-3 from Ch. 38, par. 113-3

8 725 ILCS 5/119-1

9 725 ILCS 105/10 from Ch. 38, par. 208-10

10 730 ILCS 5/5-8-1 from Ch. 38, par. 1005-8-1