

1 AN ACT in relation to criminal law.

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

4 Section 1. Purpose and intent.

5 (a) In *People v. Wooters*, 188 Ill. 2d 500 (1999), the
6 Illinois Supreme Court declared that Public Act 89-203
7 violates the single subject rule of Article IV, Section 8 of
8 the Illinois Constitution by including certain provisions
9 relating to mortgage foreclosure in a bill otherwise relating
10 to crime.

11 (b) It is the purpose of this Act to re-enact the
12 provision of clause (a)(1)(c)(ii) of Section 5-8-1 of the
13 Unified Code of Corrections that was added by Public Act
14 89-203. The re-enacted material is shown as existing text
15 (i.e., without underscoring) and includes the changes made to
16 Section 5-8-1 by Public Acts enacted after Public Act 89-203.

17 (c) This Act is not intended to supersede the changes
18 made by any other Public Act of the 93rd General Assembly
19 that amends the Section included in this Act, and it is not
20 intended to limit or impair any legal argument relating to
21 the re-enactment of any of the provisions of Public Act
22 89-203 by any other Public Act.

23 Section 5. The Unified Code of Corrections is amended
24 by re-enacting Section 5-8-1 as follows:

25 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

26 Sec. 5-8-1. Sentence of Imprisonment for Felony.

27 (a) Except as otherwise provided in the statute defining
28 the offense, a sentence of imprisonment for a felony shall be
29 a determinate sentence set by the court under this Section,
30 according to the following limitations:

1 (1) for first degree murder,

2 (a) a term shall be not less than 20 years and
3 not more than 60 years, or

4 (b) if a trier of fact finds beyond a
5 reasonable doubt that the murder was accompanied by
6 exceptionally brutal or heinous behavior indicative
7 of wanton cruelty or, except as set forth in
8 subsection (a)(1)(c) of this Section, that any of
9 the aggravating factors listed in subsection (b) of
10 Section 9-1 of the Criminal Code of 1961 are
11 present, the court may sentence the defendant to a
12 term of natural life imprisonment, or

13 (c) the court shall sentence the defendant to
14 a term of natural life imprisonment when the death
15 penalty is not imposed if the defendant,

16 (i) has previously been convicted of
17 first degree murder under any state or federal
18 law, or

19 (ii) is a person who, at the time of the
20 commission of the murder, had attained the age
21 of 17 or more and is found guilty of murdering
22 an individual under 12 years of age; or,
23 irrespective of the defendant's age at the time
24 of the commission of the offense, is found
25 guilty of murdering more than one victim, or

26 (iii) is found guilty of murdering a
27 peace officer or fireman when the peace officer
28 or fireman was killed in the course of
29 performing his official duties, or to prevent
30 the peace officer or fireman from performing
31 his official duties, or in retaliation for the
32 peace officer or fireman performing his
33 official duties, and the defendant knew or
34 should have known that the murdered individual

1 was a peace officer or fireman, or

2 (iv) is found guilty of murdering an
3 employee of an institution or facility of the
4 Department of Corrections, or any similar local
5 correctional agency, when the employee was
6 killed in the course of performing his official
7 duties, or to prevent the employee from
8 performing his official duties, or in
9 retaliation for the employee performing his
10 official duties, or

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

29 (vi) is a person who, at the time of the
30 commission of the murder, had not attained the
31 age of 17, and is found guilty of murdering a
32 person under 12 years of age and the murder is
33 committed during the course of aggravated
34 criminal sexual assault, criminal sexual

1 assault, or aggravated kidnaping, or

2 (vii) is found guilty of first degree
3 murder and the murder was committed by reason
4 of any person's activity as a community
5 policing volunteer or to prevent any person
6 from engaging in activity as a community
7 policing volunteer. For the purpose of this
8 Section, "community policing volunteer" has the
9 meaning ascribed to it in Section 2-3.5 of the
10 Criminal Code of 1961.

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

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

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

25 (iii) if, during the commission of the
26 offense, the person personally discharged a
27 firearm that proximately caused great bodily
28 harm, permanent disability, permanent
29 disfigurement, or death to another person, 25
30 years or up to a term of natural life shall be
31 added to the term of imprisonment imposed by
32 the court.

33 (1.5) for second degree murder, a term shall be not
34 less than 4 years and not more than 20 years;

1 (2) for a person adjudged a habitual criminal under
2 Article 33B of the Criminal Code of 1961, as amended, the
3 sentence shall be a term of natural life imprisonment;

4 (2.5) for a person convicted under the
5 circumstances described in paragraph (3) of subsection
6 (b) of Section 12-13, paragraph (2) of subsection (d) of
7 Section 12-14, paragraph (1.2) of subsection (b) of
8 Section 12-14.1, or paragraph (2) of subsection (b) of
9 Section 12-14.1 of the Criminal Code of 1961, the
10 sentence shall be a term of natural life imprisonment;

11 (3) except as otherwise provided in the statute
12 defining the offense, for a Class X felony, the sentence
13 shall be not less than 6 years and not more than 30
14 years;

15 (4) for a Class 1 felony, other than second degree
16 murder, the sentence shall be not less than 4 years and
17 not more than 15 years;

18 (5) for a Class 2 felony, the sentence shall be not
19 less than 3 years and not more than 7 years;

20 (6) for a Class 3 felony, the sentence shall be not
21 less than 2 years and not more than 5 years;

22 (7) for a Class 4 felony, the sentence shall be not
23 less than 1 year and not more than 3 years.

24 (b) The sentencing judge in each felony conviction shall
25 set forth his reasons for imposing the particular sentence he
26 enters in the case, as provided in Section 5-4-1 of this
27 Code. Those reasons may include any mitigating or
28 aggravating factors specified in this Code, or the lack of
29 any such circumstances, as well as any other such factors as
30 the judge shall set forth on the record that are consistent
31 with the purposes and principles of sentencing set out in
32 this Code.

33 (c) A motion to reduce a sentence may be made, or the
34 court may reduce a sentence without motion, within 30 days

1 after the sentence is imposed. A defendant's challenge to
2 the correctness of a sentence or to any aspect of the
3 sentencing hearing shall be made by a written motion filed
4 within 30 days following the imposition of sentence.
5 However, the court may not increase a sentence once it is
6 imposed.

7 If a motion filed pursuant to this subsection is timely
8 filed within 30 days after the sentence is imposed, the
9 proponent of the motion shall exercise due diligence in
10 seeking a determination on the motion and the court shall
11 thereafter decide such motion within a reasonable time.

12 If a motion filed pursuant to this subsection is timely
13 filed within 30 days after the sentence is imposed, then for
14 purposes of perfecting an appeal, a final judgment shall not
15 be considered to have been entered until the motion to reduce
16 a sentence has been decided by order entered by the trial
17 court.

18 A motion filed pursuant to this subsection shall not be
19 considered to have been timely filed unless it is filed with
20 the circuit court clerk within 30 days after the sentence is
21 imposed together with a notice of motion, which notice of
22 motion shall set the motion on the court's calendar on a date
23 certain within a reasonable time after the date of filing.

24 (d) Except where a term of natural life is imposed,
25 every sentence shall include as though written therein a term
26 in addition to the term of imprisonment. For those sentenced
27 under the law in effect prior to February 1, 1978, such term
28 shall be identified as a parole term. For those sentenced on
29 or after February 1, 1978, such term shall be identified as a
30 mandatory supervised release term. Subject to earlier
31 termination under Section 3-3-8, the parole or mandatory
32 supervised release term shall be as follows:

33 (1) for first degree murder or a Class X felony, 3
34 years;

1 (2) for a Class 1 felony or a Class 2 felony, 2
2 years;

3 (3) for a Class 3 felony or a Class 4 felony, 1
4 year;

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

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

17 (e) A defendant who has a previous and unexpired
18 sentence of imprisonment imposed by another state or by any
19 district court of the United States and who, after sentence
20 for a crime in Illinois, must return to serve the unexpired
21 prior sentence may have his sentence by the Illinois court
22 ordered to be concurrent with the prior sentence in the other
23 state. The court may order that any time served on the
24 unexpired portion of the sentence in the other state, prior
25 to his return to Illinois, shall be credited on his Illinois
26 sentence. The other state shall be furnished with a copy of
27 the order imposing sentence which shall provide that, when
28 the offender is released from confinement of the other state,
29 whether by parole or by termination of sentence, the offender
30 shall be transferred by the Sheriff of the committing county
31 to the Illinois Department of Corrections. The court shall
32 cause the Department of Corrections to be notified of such
33 sentence at the time of commitment and to be provided with
34 copies of all records regarding the sentence.

1 (f) A defendant who has a previous and unexpired
2 sentence of imprisonment imposed by an Illinois circuit court
3 for a crime in this State and who is subsequently sentenced
4 to a term of imprisonment by another state or by any district
5 court of the United States and who has served a term of
6 imprisonment imposed by the other state or district court of
7 the United States, and must return to serve the unexpired
8 prior sentence imposed by the Illinois Circuit Court may
9 apply to the court which imposed sentence to have his
10 sentence reduced.

11 The circuit court may order that any time served on the
12 sentence imposed by the other state or district court of the
13 United States be credited on his Illinois sentence. Such
14 application for reduction of a sentence under this
15 subsection (f) shall be made within 30 days after the
16 defendant has completed the sentence imposed by the other
17 state or district court of the United States.

18 (Source: P.A. 91-279, eff. 1-1-00; 91-404, eff. 1-1-00;
19 91-953, eff. 2-23-01; 92-16, eff. 6-28-01.)

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.