

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

6 (730 ILCS 5/5-8-4) (from Ch. 38, par. 1005-8-4)

7 Sec. 5-8-4. Concurrent and Consecutive Terms of
8 Imprisonment.

9 (a) When multiple sentences of imprisonment are imposed
10 on a defendant at the same time, or when a term of
11 imprisonment is imposed on a defendant who is already subject
12 to sentence in this State or in another state, or for a
13 sentence imposed by any district court of the United States,
14 the sentences shall run concurrently or consecutively as
15 determined by the court. When a term of imprisonment is
16 imposed on a defendant by an Illinois circuit court and the
17 defendant is subsequently sentenced to a term of imprisonment
18 by another state or by a district court of the United States,
19 the Illinois circuit court which imposed the sentence may
20 order that the Illinois sentence be made concurrent with the
21 sentence imposed by the other state or district court of the
22 United States. The defendant must apply to the circuit court
23 within 30 days after the defendant's sentence imposed by the
24 other state or district of the United States is finalized.
25 The court shall not impose consecutive sentences if for
26 ~~offenses--which--were--committed--as--part--of--a--single--course--of~~
27 ~~conduct--during--which--there--was--no--substantial--change--in--the~~
28 ~~nature--of--the--criminal--objective,-,unless:~~

29 (i) one of the offenses for which defendant was
30 convicted was first degree murder or a Class X or Class 1
31 felony and the defendant inflicted severe bodily injury,

1 or

2 (ii) the defendant was convicted of a violation of
3 Section 12-13, 12-14, or 12-14.1 of the Criminal Code of
4 1961, or

5 (iii) the defendant was convicted of armed violence
6 based upon the predicate offense of solicitation of
7 murder, solicitation of murder for hire, heinous battery,
8 aggravated battery of a senior citizen, criminal sexual
9 assault, a violation of subsection (g) of Section 5 of
10 the Cannabis Control Act, cannabis trafficking, a
11 violation of subsection (a) of Section 401 of the
12 Illinois Controlled Substances Act, controlled substance
13 trafficking involving a Class X felony amount of
14 controlled substance under Section 401 of the Illinois
15 Controlled Substances Act, calculated criminal drug
16 conspiracy, or streetgang criminal drug conspiracy, or

17 (iv) the defendant was convicted of the offense of
18 leaving the scene of a motor vehicle accident involving
19 death or personal injuries under Section 11-401 and
20 either: (A) aggravated driving under the influence of
21 alcohol, other drug or drugs, or intoxicating compound or
22 compounds, or any combination thereof under Section
23 11-501 of the Illinois Vehicle Code, or (B) reckless
24 homicide under Section 9-3 of the Criminal Code of 1961,
25 or both an offense described in subdivision (A) and an
26 offense described in subdivision (B),

27 in which event the court shall enter sentences to run
28 consecutively. Sentences shall run concurrently unless
29 otherwise specified by the court.

30 (b) Except in cases where consecutive sentences are
31 mandated, the court shall impose concurrent sentences The
32 ~~court shall not impose a consecutive sentence except as~~
33 ~~provided for in subsection (a)~~ unless, having regard to the
34 nature and circumstances of the offense and the history and

1 character of the defendant, it is of the opinion that
2 consecutive sentences are such-a-term-is required to protect
3 the public from further criminal conduct by the defendant,
4 the basis for which the court shall set forth in the record;
5 except--that--no--such--finding--or--opinion-is-required-when
6 multiple-sentences-of-imprisonment-are-imposed-on-a-defendant
7 for-offenses-that-were-not-committed--as--part--of--a--single
8 course--of--conduct--during--which--there--was-no-substantial
9 change-in-the-nature-of-the-criminal-objective,--and--one--of
10 the--offenses-for-which-the-defendant-was-convicted-was-first
11 degree-murder-or--a--Class--X--or--Class--1--felony--and--the
12 defendant---inflicted--severe--bodily--injury,--or--when--the
13 defendant-was-convicted-of--a--violation--of--Section--12-13,
14 12-14,--or-12-14.1-of-the-Criminal-Code-of-1961,--or-where-the
15 defendant-was-convicted-of--armed--violence--based--upon--the
16 predicate--offense-of-solicitation-of-murder,--solicitation-of
17 murder-for-hire,--heinous-battery,--aggravated--battery--of--a
18 senior--citizen,--criminal--sexual--assault,--a--violation-of
19 subsection-(g)-of-Section-5--of--the--Cannabis--Control--Act,
20 cannabis--trafficking,--a--violation--of--subsection--(a)--of
21 Section--401--of--the--Illinois--Controlled--Substances--Act,
22 controlled--substance--trafficking-involving-a-Class-X-felony
23 amount-of-controlled--substance--under--Section--401--of--the
24 Illinois--Controlled-Substances-Act,--calculated-criminal-drug
25 conspiracy,--or-streetgang-criminal-drug--conspiracy,--or--the
26 defendant--was--convicted-of-the-offense-of-leaving-the-scene
27 of-a-motor--vehicle--accident--involving--death--or--personal
28 injuries--under--Section--11-401--and--either:-(A)-aggravated
29 driving-under-the-influence-of-alcohol,--other-drug-or--drugs,
30 or--intoxicating--compound--or--compounds,--or-any-combination
31 thereof-under-Section-11-501-of-the-Illinois-Vehicle-Code,--or
32 (B)-reckless-homicide-under-Section-9-3-of-the-Criminal--Code
33 of--1961,--or-both-an-offense-described-in-subdivision-(A)-and
34 an-offense-described-in-subdivision-(B),--in-which--event--the

1 ~~Court shall enter sentences to run consecutively.~~

2 (c) (1) For sentences imposed under law in effect prior
3 to February 1, 1978 the aggregate maximum of consecutive
4 sentences shall not exceed the maximum term authorized
5 under Section 5-8-1 for the 2 most serious felonies
6 involved. The aggregate minimum period of consecutive
7 sentences shall not exceed the highest minimum term
8 authorized under Section 5-8-1 for the 2 most serious
9 felonies involved. When sentenced only for misdemeanors,
10 a defendant shall not be consecutively sentenced to more
11 than the maximum for one Class A misdemeanor.

12 (2) For sentences imposed under the law in effect
13 on or after February 1, 1978, the aggregate of
14 consecutive sentences for offenses that were committed as
15 part of a single course of conduct during which there was
16 no substantial change in the nature of the criminal
17 objective shall not exceed the sum of the maximum terms
18 authorized under Section 5-8-2 for the 2 most serious
19 felonies involved, but no such limitation shall apply for
20 offenses that were not committed as part of a single
21 course of conduct during which there was no substantial
22 change in the nature of the criminal objective. When
23 sentenced only for misdemeanors, a defendant shall not be
24 consecutively sentenced to more than the maximum for one
25 Class A misdemeanor.

26 (d) An offender serving a sentence for a misdemeanor who
27 is convicted of a felony and sentenced to imprisonment shall
28 be transferred to the Department of Corrections, and the
29 misdemeanor sentence shall be merged in and run concurrently
30 with the felony sentence.

31 (e) In determining the manner in which consecutive
32 sentences of imprisonment, one or more of which is for a
33 felony, will be served, the Department of Corrections shall
34 treat the offender as though he had been committed for a

1 single term with the following incidents:

2 (1) the maximum period of a term of imprisonment
3 shall consist of the aggregate of the maximums of the
4 imposed indeterminate terms, if any, plus the aggregate
5 of the imposed determinate sentences for felonies plus
6 the aggregate of the imposed determinate sentences for
7 misdemeanors subject to paragraph (c) of this Section;

8 (2) the parole or mandatory supervised release term
9 shall be as provided in paragraph (e) of Section 5-8-1 of
10 this Code for the most serious of the offenses involved;

11 (3) the minimum period of imprisonment shall be the
12 aggregate of the minimum and determinate periods of
13 imprisonment imposed by the court, subject to paragraph
14 (c) of this Section; and

15 (4) the offender shall be awarded credit against
16 the aggregate maximum term and the aggregate minimum term
17 of imprisonment for all time served in an institution
18 since the commission of the offense or offenses and as a
19 consequence thereof at the rate specified in Section
20 3-6-3 of this Code.

21 (f) A sentence of an offender committed to the
22 Department of Corrections at the time of the commission of
23 the offense shall be served consecutive to the sentence under
24 which he is held by the Department of Corrections. However,
25 in case such offender shall be sentenced to punishment by
26 death, the sentence shall be executed at such time as the
27 court may fix without regard to the sentence under which such
28 offender may be held by the Department.

29 (g) A sentence under Section 3-6-4 for escape or
30 attempted escape shall be served consecutive to the terms
31 under which the offender is held by the Department of
32 Corrections.

33 (h) If a person charged with a felony commits a separate
34 felony while on pre-trial release or in pretrial detention in

1 a county jail facility or county detention facility, the
2 sentences imposed upon conviction of these felonies shall be
3 served consecutively regardless of the order in which the
4 judgments of conviction are entered.

5 (i) If a person admitted to bail following conviction of
6 a felony commits a separate felony while free on bond or if a
7 person detained in a county jail facility or county detention
8 facility following conviction of a felony commits a separate
9 felony while in detention, any sentence following conviction
10 of the separate felony shall be consecutive to that of the
11 original sentence for which the defendant was on bond or
12 detained.

13 (Source: P.A. 91-144, eff. 1-1-00; 91-404, eff. 1-1-00;
14 92-16, eff. 6-28-01; 92-674, eff. 1-1-03.)

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.