

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
5 by changing Section 5-8-1 as follows:

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

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

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

12 (1) for first degree murder,

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

15 (b) if a trier of fact finds beyond a
16 reasonable doubt that the murder was accompanied by
17 exceptionally brutal or heinous behavior indicative
18 of wanton cruelty or, except as set forth in
19 subsection (a)(1)(c) of this Section, that any of
20 the aggravating factors listed in subsection (b) of
21 Section 9-1 of the Criminal Code of 1961 are
22 present, the court may sentence the defendant to a
23 term of natural life imprisonment, or

24 (c) the court shall sentence the defendant to
25 a term of natural life imprisonment when the death
26 penalty is not imposed if the defendant,

27 (i) has previously been convicted of
28 first degree murder under any state or federal
29 law, or

30 (ii) is a person who, at the time of the
31 commission of the murder, had attained the age

1 of 17 or more and is found guilty of murdering
2 an individual under 12 years of age; or,
3 irrespective of the defendant's age at the time
4 of the commission of the offense, is found
5 guilty of murdering more than one victim, or

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

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

25 (v) is found guilty of murdering an
26 emergency medical technician - ambulance,
27 emergency medical technician - intermediate,
28 emergency medical technician - paramedic,
29 ambulance driver or other medical assistance or
30 first aid person while employed by a
31 municipality or other governmental unit when
32 the person was killed in the course of
33 performing official duties or to prevent the
34 person from performing official duties or in

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

9 (vi) is a person who, at the time of the
10 commission of the murder, had not attained the
11 age of 17, and is found guilty of murdering a
12 person under 12 years of age and the murder is
13 committed during the course of aggravated
14 criminal sexual assault, criminal sexual
15 assault, or aggravated kidnaping, or

16 (vii) is found guilty of first degree
17 murder and the murder was committed by reason
18 of any person's activity as a community
19 policing volunteer or to prevent any person
20 from engaging in activity as a community
21 policing volunteer. For the purpose of this
22 Section, "community policing volunteer" has the
23 meaning ascribed to it in Section 2-3.5 of the
24 Criminal Code of 1961, or

25 (viii) is convicted of first degree murder
26 and the defendant has previously been convicted
27 of domestic battery or aggravated domestic
28 battery committed against the murdered
29 individual or has previously been convicted of
30 violation of an order of protection in which
31 the murdered individual was the protected
32 person.

33 For purposes of clause (v), "emergency medical
34 technician - ambulance", "emergency medical

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

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

9 (ii) if, during the commission of the
10 offense, the person personally discharged a
11 firearm, 20 years shall be added to the term of
12 imprisonment imposed by the court;

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

21 (1.5) for second degree murder, a term shall be not
22 less than 4 years and not more than 20 years;

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

26 (2.5) for a person convicted under the
27 circumstances described in paragraph (3) of subsection
28 (b) of Section 12-13, paragraph (2) of subsection (d) of
29 Section 12-14, paragraph (1.2) of subsection (b) of
30 Section 12-14.1, or paragraph (2) of subsection (b) of
31 Section 12-14.1 of the Criminal Code of 1961, the
32 sentence shall be a term of natural life imprisonment;

33 (3) except as otherwise provided in the statute
34 defining the offense, for a Class X felony, the sentence

1 shall be not less than 6 years and not more than 30
2 years;

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

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

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

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

12 (b) The sentencing judge in each felony conviction shall
13 set forth his reasons for imposing the particular sentence he
14 enters in the case, as provided in Section 5-4-1 of this
15 Code. Those reasons may include any mitigating or
16 aggravating factors specified in this Code, or the lack of
17 any such circumstances, as well as any other such factors as
18 the judge shall set forth on the record that are consistent
19 with the purposes and principles of sentencing set out in
20 this Code.

21 (c) A motion to reduce a sentence may be made, or the
22 court may reduce a sentence without motion, within 30 days
23 after the sentence is imposed. A defendant's challenge to
24 the correctness of a sentence or to any aspect of the
25 sentencing hearing shall be made by a written motion filed
26 within 30 days following the imposition of sentence.
27 However, the court may not increase a sentence once it is
28 imposed.

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

34 If a motion filed pursuant to this subsection is timely

1 filed within 30 days after the sentence is imposed, then for
2 purposes of perfecting an appeal, a final judgment shall not
3 be considered to have been entered until the motion to reduce
4 a sentence has been decided by order entered by the trial
5 court.

6 A motion filed pursuant to this subsection shall not be
7 considered to have been timely filed unless it is filed with
8 the circuit court clerk within 30 days after the sentence is
9 imposed together with a notice of motion, which notice of
10 motion shall set the motion on the court's calendar on a date
11 certain within a reasonable time after the date of filing.

12 (d) Except where a term of natural life is imposed,
13 every sentence shall include as though written therein a term
14 in addition to the term of imprisonment. For those sentenced
15 under the law in effect prior to February 1, 1978, such term
16 shall be identified as a parole term. For those sentenced on
17 or after February 1, 1978, such term shall be identified as a
18 mandatory supervised release term. Subject to earlier
19 termination under Section 3-3-8, the parole or mandatory
20 supervised release term shall be as follows:

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

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

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

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

33 (5) if the victim is under 18 years of age, for a
34 second or subsequent offense of aggravated criminal

1 sexual abuse or felony criminal sexual abuse, 4 years, at
2 least the first 2 years of which the defendant shall
3 serve in an electronic home detention program under
4 Article 8A of Chapter V of this Code.

5 (e) A defendant who has a previous and unexpired
6 sentence of imprisonment imposed by another state or by any
7 district court of the United States and who, after sentence
8 for a crime in Illinois, must return to serve the unexpired
9 prior sentence may have his sentence by the Illinois court
10 ordered to be concurrent with the prior sentence in the other
11 state. The court may order that any time served on the
12 unexpired portion of the sentence in the other state, prior
13 to his return to Illinois, shall be credited on his Illinois
14 sentence. The other state shall be furnished with a copy of
15 the order imposing sentence which shall provide that, when
16 the offender is released from confinement of the other state,
17 whether by parole or by termination of sentence, the offender
18 shall be transferred by the Sheriff of the committing county
19 to the Illinois Department of Corrections. The court shall
20 cause the Department of Corrections to be notified of such
21 sentence at the time of commitment and to be provided with
22 copies of all records regarding the sentence.

23 (f) A defendant who has a previous and unexpired
24 sentence of imprisonment imposed by an Illinois circuit court
25 for a crime in this State and who is subsequently sentenced
26 to a term of imprisonment by another state or by any district
27 court of the United States and who has served a term of
28 imprisonment imposed by the other state or district court of
29 the United States, and must return to serve the unexpired
30 prior sentence imposed by the Illinois Circuit Court may
31 apply to the court which imposed sentence to have his
32 sentence reduced.

33 The circuit court may order that any time served on the
34 sentence imposed by the other state or district court of the

1 United States be credited on his Illinois sentence. Such
2 application for reduction of a sentence under this
3 subsection (f) shall be made within 30 days after the
4 defendant has completed the sentence imposed by the other
5 state or district court of the United States.

6 (Source: P.A. 91-279, eff. 1-1-00; 91-404, eff. 1-1-00;
7 91-953, eff. 2-23-01; 92-16, eff. 6-28-01.)