



Sen. John J. Cullerton

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09300SB2654sam001

LRB093 18592 RLC 48127 a

1 AMENDMENT TO SENATE BILL 2654

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2654 by replacing  
3 everything after the enacting clause with the following:

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 on  
10 a defendant at the same time, or when a term of imprisonment is  
11 imposed on a defendant who is already subject to sentence in  
12 this State or in another state, or for a sentence imposed by  
13 any district court of the United States, or for sentences  
14 imposed under Section 5-750 of the Juvenile Court Act of 1987  
15 for commitment to the Department of Corrections, Juvenile  
16 Division, the sentences shall run concurrently or  
17 consecutively as determined by the court. When a term of  
18 imprisonment is imposed on a defendant by an Illinois circuit  
19 court and the defendant is subsequently sentenced to a term of  
20 imprisonment by another state or by a district court of the  
21 United States, the Illinois circuit court which imposed the  
22 sentence may order that the Illinois sentence be made  
23 concurrent with the sentence imposed by the other state or  
24 district court of the United States. The defendant must apply

1 to the circuit court within 30 days after the defendant's  
2 sentence imposed by the other state or district of the United  
3 States is finalized. The court shall impose consecutive  
4 sentences if:

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

8 (ii) the defendant was convicted of a violation of  
9 Section 12-13, 12-14, or 12-14.1 of the Criminal Code of  
10 1961, or

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

23 (iv) the defendant was convicted of the offense of  
24 leaving the scene of a motor vehicle accident involving  
25 death or personal injuries under Section 11-401 and either:

26 (A) aggravated driving under the influence of alcohol,  
27 other drug or drugs, or intoxicating compound or compounds,  
28 or any combination thereof under Section 11-501 of the  
29 Illinois Vehicle Code, or (B) reckless homicide under  
30 Section 9-3 of the Criminal Code of 1961, or both an  
31 offense described in subdivision (A) and an offense  
32 described in subdivision (B),

33 in which event the court shall enter sentences to run  
34 consecutively. Sentences shall run concurrently unless

1 otherwise specified by the court.

2 (b) Except in cases where consecutive sentences are  
3 mandated, the court shall impose concurrent sentences unless,  
4 having regard to the nature and circumstances of the offense  
5 and the history and character of the defendant, it is of the  
6 opinion that consecutive sentences are required to protect the  
7 public from further criminal conduct by the defendant, the  
8 basis for which the court shall set forth in the record.

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

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

33 (d) An offender serving a sentence for a misdemeanor who is  
34 convicted of a felony and sentenced to imprisonment shall be

1 transferred to the Department of Corrections, and the  
2 misdemeanor sentence shall be merged in and run concurrently  
3 with the felony sentence.

4 (e) In determining the manner in which consecutive  
5 sentences of imprisonment, one or more of which is for a  
6 felony, will be served, the Department of Corrections shall  
7 treat the offender as though he had been committed for a single  
8 term with the following incidents:

9 (1) the maximum period of a term of imprisonment shall  
10 consist of the aggregate of the maximums of the imposed  
11 indeterminate terms, if any, plus the aggregate of the  
12 imposed determinate sentences for felonies plus the  
13 aggregate of the imposed determinate sentences for  
14 misdemeanors subject to paragraph (c) of this Section;

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

18 (3) the minimum period of imprisonment shall be the  
19 aggregate of the minimum and determinate periods of  
20 imprisonment imposed by the court, subject to paragraph (c)  
21 of this Section; and

22 (4) the offender shall be awarded credit against the  
23 aggregate maximum term and the aggregate minimum term of  
24 imprisonment for all time served in an institution since  
25 the commission of the offense or offenses and as a  
26 consequence thereof at the rate specified in Section 3-6-3  
27 of this Code.

28 (f) A sentence of an offender committed to the Department  
29 of Corrections at the time of the commission of the offense  
30 shall be served consecutive to the sentence under which he is  
31 held by the Department of Corrections. However, in case such  
32 offender shall be sentenced to punishment by death, the  
33 sentence shall be executed at such time as the court may fix  
34 without regard to the sentence under which such offender may be

1 held by the Department.

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

5 (h) If a person charged with a felony commits a separate  
6 felony while on pre-trial release or in pretrial detention in a  
7 county jail facility or county detention facility, the  
8 sentences imposed upon conviction of these felonies shall be  
9 served consecutively regardless of the order in which the  
10 judgments of conviction are entered.

11 (i) If a person admitted to bail following conviction of a  
12 felony commits a separate felony while free on bond or if a  
13 person detained in a county jail facility or county detention  
14 facility following conviction of a felony commits a separate  
15 felony while in detention, any sentence following conviction of  
16 the separate felony shall be consecutive to that of the  
17 original sentence for which the defendant was on bond or  
18 detained.

19 (Source: P.A. 92-16, eff. 6-28-01; 92-674, eff. 1-1-03; 93-160,  
20 eff. 7-10-03.)".