



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB2386

Introduced 02/16/05, by Rep. Careen M Gordon - John J. Millner
- Karen A. Yarbrough - William Delgado - Robert F. Flider

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-3-1	from Ch. 38, par. 1003-3-1
730 ILCS 5/3-3-2	from Ch. 38, par. 1003-3-2
730 ILCS 5/3-3-9	from Ch. 38, par. 1003-3-9
730 ILCS 5/3-3-10	from Ch. 38, par. 1003-3-10
730 ILCS 5/3-14-2.5 new	
730 ILCS 5/5-8-1	from Ch. 38, par. 1005-8-1

Amends the Unified Code of Corrections. Provides that for a defendant convicted of predatory criminal sexual assault of a child, aggravated criminal sexual assault, or criminal sexual assault on or after July 1, 2005, the term of mandatory supervised release shall range from a minimum of 3 years to a maximum of the natural life of the defendant. Provides that the term of mandatory supervised release of these sex offenders shall toll during any period of incarceration. Provides that the Prisoner Review Board shall hear by at least one member and through a panel of at least 3 members, decide the conditions of mandatory supervised release and the time of discharge from mandatory supervised release, to impose sanctions for violations of mandatory supervised release and revoke mandatory supervised release for those sex offenders. Provides that the Department of Corrections shall retain custody of those sex offenders. Provides that the supervising officer of those sex offenders shall prepare a progress report commencing 180 days after the offender's release and continuing every 180 days thereafter for the duration of their supervised release. Provides that supervising officers of sex offenders shall receive specialized training in the supervision of sex offenders. Effective July 1, 2005.

LRB094 06968 RLC 41168 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

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 5. The Unified Code of Corrections is amended by
5 changing Sections 3-3-1, 3-3-2, 3-3-9, 3-3-10, and 5-8-1 by
6 adding Section 3-14-2.5 as follows:

7 (730 ILCS 5/3-3-1) (from Ch. 38, par. 1003-3-1)

8 Sec. 3-3-1. Establishment and Appointment of Prisoner
9 Review Board.

10 (a) There shall be a Prisoner Review Board independent of
11 the Department of Corrections which shall be:

12 (1) the paroling authority for persons sentenced under
13 the law in effect prior to the effective date of this
14 amendatory Act of 1977;

15 (2) the board of review for cases involving the
16 revocation of good conduct credits or a suspension or
17 reduction in the rate of accumulating such credit;

18 (3) the board of review and recommendation for the
19 exercise of executive clemency by the Governor;

20 (4) the authority for establishing release dates for
21 certain prisoners sentenced under the law in existence
22 prior to the effective date of this amendatory Act of 1977,
23 in accordance with Section 3-3-2.1 of this Code;

24 (5) the authority for setting conditions for parole,
25 ~~and~~ mandatory supervised release under Section 5-8-1(a) of
26 this Code, and determining whether a violation of those
27 conditions warrant revocation of parole or mandatory
28 supervised release or the imposition of other sanctions.

29 (b) The Board shall consist of 15 persons appointed by the
30 Governor by and with the advice and consent of the Senate. One
31 member of the Board shall be designated by the Governor to be
32 Chairman and shall serve as Chairman at the pleasure of the

1 Governor. The members of the Board shall have had at least 5
2 years of actual experience in the fields of penology,
3 corrections work, law enforcement, sociology, law, education,
4 social work, medicine, psychology, other behavioral sciences,
5 or a combination thereof. At least 6 members so appointed must
6 have had at least 3 years experience in the field of juvenile
7 matters. No more than 8 Board members may be members of the
8 same political party.

9 Each member of the Board shall serve on a full-time basis
10 and shall not hold any other salaried public office, whether
11 elective or appointive, nor any other office or position of
12 profit, nor engage in any other business, employment, or
13 vocation. The Chairman of the Board shall receive \$35,000 a
14 year, or an amount set by the Compensation Review Board,
15 whichever is greater, and each other member \$30,000, or an
16 amount set by the Compensation Review Board, whichever is
17 greater.

18 (c) Notwithstanding any other provision of this Section,
19 the term of each member of the Board who was appointed by the
20 Governor and is in office on June 30, 2003 shall terminate at
21 the close of business on that date or when all of the successor
22 members to be appointed pursuant to this amendatory Act of the
23 93rd General Assembly have been appointed by the Governor,
24 whichever occurs later. As soon as possible, the Governor shall
25 appoint persons to fill the vacancies created by this
26 amendatory Act.

27 Of the initial members appointed under this amendatory Act
28 of the 93rd General Assembly, the Governor shall appoint 5
29 members whose terms shall expire on the third Monday in January
30 2005, 5 members whose terms shall expire on the third Monday in
31 January 2007, and 5 members whose terms shall expire on the
32 third Monday in January 2009. Their respective successors shall
33 be appointed for terms of 6 years from the third Monday in
34 January of the year of appointment. Each member shall serve
35 until his successor is appointed and qualified.

36 Any member may be removed by the Governor for incompetence,

1 neglect of duty, malfeasance or inability to serve.

2 (d) The Chairman of the Board shall be its chief executive
3 and administrative officer. The Board may have an Executive
4 Director; if so, the Executive Director shall be appointed by
5 the Governor with the advice and consent of the Senate. The
6 salary and duties of the Executive Director shall be fixed by
7 the Board.

8 (Source: P.A. 93-509, eff. 8-11-03.)

9 (730 ILCS 5/3-3-2) (from Ch. 38, par. 1003-3-2)

10 Sec. 3-3-2. Powers and Duties.

11 (a) The Parole and Pardon Board is abolished and the term
12 "Parole and Pardon Board" as used in any law of Illinois, shall
13 read "Prisoner Review Board." After the effective date of this
14 amendatory Act of 1977, the Prisoner Review Board shall provide
15 by rule for the orderly transition of all files, records, and
16 documents of the Parole and Pardon Board and for such other
17 steps as may be necessary to effect an orderly transition and
18 shall:

19 (1) hear by at least one member and through a panel of
20 at least 3 members decide, cases of prisoners who were
21 sentenced under the law in effect prior to the effective
22 date of this amendatory Act of 1977, and who are eligible
23 for parole;

24 (2) hear by at least one member and through a panel of
25 at least 3 members decide, the conditions of parole and the
26 time of discharge from parole, impose sanctions for
27 violations of parole, and revoke parole for those sentenced
28 under the law in effect prior to this amendatory Act of
29 1977; provided that the decision to parole and the
30 conditions of parole for all prisoners who were sentenced
31 for first degree murder or who received a minimum sentence
32 of 20 years or more under the law in effect prior to
33 February 1, 1978 shall be determined by a majority vote of
34 the Prisoner Review Board;

35 (3) hear by at least one member and through a panel of

1 at least 3 members decide, the conditions of mandatory
2 supervised release and the time of discharge from mandatory
3 supervised release, impose sanctions for violations of
4 mandatory supervised release, and revoke mandatory
5 supervised release for those sentenced under the law in
6 effect after the effective date of this amendatory Act of
7 1977;

8 (3.5) hear by at least one member and through a panel
9 of at least 3 members decide, the conditions of mandatory
10 supervised release and the time of discharge from mandatory
11 supervised release, to impose sanctions for violations of
12 mandatory supervised release and revoke mandatory
13 supervised release for those serving extended supervised
14 release terms pursuant to paragraph (4) of subsection (d)
15 of Section 5-8-1;

16 (4) hear by at least 1 member and through a panel of at
17 least 3 members, decide cases brought by the Department of
18 Corrections against a prisoner in the custody of the
19 Department for alleged violation of Department rules with
20 respect to good conduct credits pursuant to Section 3-6-3
21 of this Code in which the Department seeks to revoke good
22 conduct credits, if the amount of time at issue exceeds 30
23 days or when, during any 12 month period, the cumulative
24 amount of credit revoked exceeds 30 days except where the
25 infraction is committed or discovered within 60 days of
26 scheduled release. In such cases, the Department of
27 Corrections may revoke up to 30 days of good conduct
28 credit. The Board may subsequently approve the revocation
29 of additional good conduct credit, if the Department seeks
30 to revoke good conduct credit in excess of thirty days.
31 However, the Board shall not be empowered to review the
32 Department's decision with respect to the loss of 30 days
33 of good conduct credit for any prisoner or to increase any
34 penalty beyond the length requested by the Department;

35 (5) hear by at least one member and through a panel of
36 at least 3 members decide, the release dates for certain

1 prisoners sentenced under the law in existence prior to the
2 effective date of this amendatory Act of 1977, in
3 accordance with Section 3-3-2.1 of this Code;

4 (6) hear by at least one member and through a panel of
5 at least 3 members decide, all requests for pardon,
6 reprieve or commutation, and make confidential
7 recommendations to the Governor;

8 (7) comply with the requirements of the Open Parole
9 Hearings Act;

10 (8) hear by at least one member and, through a panel of
11 at least 3 members, decide cases brought by the Department
12 of Corrections against a prisoner in the custody of the
13 Department for court dismissal of a frivolous lawsuit
14 pursuant to Section 3-6-3(d) of this Code in which the
15 Department seeks to revoke up to 180 days of good conduct
16 credit, and if the prisoner has not accumulated 180 days of
17 good conduct credit at the time of the dismissal, then all
18 good conduct credit accumulated by the prisoner shall be
19 revoked; and

20 (9) hear by at least 3 members, and, through a panel of
21 at least 3 members, decide whether to grant certificates of
22 relief from disabilities or certificates of good conduct as
23 provided in Article 5.5 of Chapter V.

24 (a-5) The Prisoner Review Board, with the cooperation of
25 and in coordination with the Department of Corrections and the
26 Department of Central Management Services, shall implement a
27 pilot project in 3 correctional institutions providing for the
28 conduct of hearings under paragraphs (1) and (4) of subsection
29 (a) of this Section through interactive video conferences. The
30 project shall be implemented within 6 months after the
31 effective date of this amendatory Act of 1996. Within 6 months
32 after the implementation of the pilot project, the Prisoner
33 Review Board, with the cooperation of and in coordination with
34 the Department of Corrections and the Department of Central
35 Management Services, shall report to the Governor and the
36 General Assembly regarding the use, costs, effectiveness, and

1 future viability of interactive video conferences for Prisoner
2 Review Board hearings.

3 (b) Upon recommendation of the Department the Board may
4 restore good conduct credit previously revoked.

5 (c) The Board shall cooperate with the Department in
6 promoting an effective system of parole and mandatory
7 supervised release.

8 (d) The Board shall promulgate rules for the conduct of its
9 work, and the Chairman shall file a copy of such rules and any
10 amendments thereto with the Director and with the Secretary of
11 State.

12 (e) The Board shall keep records of all of its official
13 actions and shall make them accessible in accordance with law
14 and the rules of the Board.

15 (f) The Board or one who has allegedly violated the
16 conditions of his parole or mandatory supervised release may
17 require by subpoena the attendance and testimony of witnesses
18 and the production of documentary evidence relating to any
19 matter under investigation or hearing. The Chairman of the
20 Board may sign subpoenas which shall be served by any agent or
21 public official authorized by the Chairman of the Board, or by
22 any person lawfully authorized to serve a subpoena under the
23 laws of the State of Illinois. The attendance of witnesses, and
24 the production of documentary evidence, may be required from
25 any place in the State to a hearing location in the State
26 before the Chairman of the Board or his designated agent or
27 agents or any duly constituted Committee or Subcommittee of the
28 Board. Witnesses so summoned shall be paid the same fees and
29 mileage that are paid witnesses in the circuit courts of the
30 State, and witnesses whose depositions are taken and the
31 persons taking those depositions are each entitled to the same
32 fees as are paid for like services in actions in the circuit
33 courts of the State. Fees and mileage shall be vouchered for
34 payment when the witness is discharged from further attendance.

35 In case of disobedience to a subpoena, the Board may
36 petition any circuit court of the State for an order requiring

1 the attendance and testimony of witnesses or the production of
2 documentary evidence or both. A copy of such petition shall be
3 served by personal service or by registered or certified mail
4 upon the person who has failed to obey the subpoena, and such
5 person shall be advised in writing that a hearing upon the
6 petition will be requested in a court room to be designated in
7 such notice before the judge hearing motions or extraordinary
8 remedies at a specified time, on a specified date, not less
9 than 10 nor more than 15 days after the deposit of the copy of
10 the written notice and petition in the U.S. mails addressed to
11 the person at his last known address or after the personal
12 service of the copy of the notice and petition upon such
13 person. The court upon the filing of such a petition, may order
14 the person refusing to obey the subpoena to appear at an
15 investigation or hearing, or to there produce documentary
16 evidence, if so ordered, or to give evidence relative to the
17 subject matter of that investigation or hearing. Any failure to
18 obey such order of the circuit court may be punished by that
19 court as a contempt of court.

20 Each member of the Board and any hearing officer designated
21 by the Board shall have the power to administer oaths and to
22 take the testimony of persons under oath.

23 (g) Except under subsection (a) of this Section, a majority
24 of the members then appointed to the Prisoner Review Board
25 shall constitute a quorum for the transaction of all business
26 of the Board.

27 (h) The Prisoner Review Board shall annually transmit to
28 the Director a detailed report of its work for the preceding
29 calendar year. The annual report shall also be transmitted to
30 the Governor for submission to the Legislature.

31 (Source: P.A. 93-207, eff. 1-1-04.)

32 (730 ILCS 5/3-3-9) (from Ch. 38, par. 1003-3-9)

33 Sec. 3-3-9. Violations; changes of conditions; preliminary
34 hearing; revocation of parole or mandatory supervised release;
35 revocation hearing.

1 (a) If prior to expiration or termination of the term of
2 parole or mandatory supervised release, a person violates a
3 condition set by the Prisoner Review Board or a condition of
4 parole or mandatory supervised release under Section 3-3-7 of
5 this Code to govern that term, the Board may:

6 (1) continue the existing term, with or without
7 modifying or enlarging the conditions; or

8 (2) parole or release the person to a half-way house;
9 or

10 (3) revoke the parole or mandatory supervised release
11 and reconfine the person for a term computed in the
12 following manner:

13 (i) (A) For those sentenced under the law in effect
14 prior to this amendatory Act of 1977, the recommitment
15 shall be for any portion of the imposed maximum term of
16 imprisonment or confinement which had not been served
17 at the time of parole and the parole term, less the
18 time elapsed between the parole of the person and the
19 commission of the violation for which parole was
20 revoked;

21 (B) Except as set forth in paragraph (C), for ~~For~~
22 those subject to mandatory supervised release under
23 paragraph (d) of Section 5-8-1 of this Code, the
24 recommitment shall be for the total mandatory
25 supervised release term, less the time elapsed between
26 the release of the person and the commission of the
27 violation for which mandatory supervised release is
28 revoked. The Board may also order that a prisoner serve
29 up to one year of the sentence imposed by the court
30 which was not served due to the accumulation of good
31 conduct credit;~~;~~

32 (C) For those subject to sex offender supervision
33 under clause (d)(4) of Section 5-8-1 of this Code, the
34 reconfinement period for violations of clauses (a)(3)
35 through (b-1)(15) of Section 3-3-7 shall not exceed 2
36 years from the date of reconfinement.

1 (ii) the person shall be given credit against the
2 term of reimprisonment or reconfinement for time spent
3 in custody since he was paroled or released which has
4 not been credited against another sentence or period of
5 confinement;

6 (iii) persons committed under the Juvenile Court
7 Act or the Juvenile Court Act of 1987 shall be
8 recommitted until the age of 21;

9 (iv) this Section is subject to the release under
10 supervision and the reparole and rerelease provisions
11 of Section 3-3-10.

12 (b) The Board may revoke parole or mandatory supervised
13 release for violation of a condition for the duration of the
14 term and for any further period which is reasonably necessary
15 for the adjudication of matters arising before its expiration.
16 The issuance of a warrant of arrest for an alleged violation of
17 the conditions of parole or mandatory supervised release shall
18 toll the running of the term until the final determination of
19 the charge, but where parole or mandatory supervised release is
20 not revoked that period shall be credited to the term.

21 (c) A person charged with violating a condition of parole
22 or mandatory supervised release shall have a preliminary
23 hearing before a hearing officer designated by the Board to
24 determine if there is cause to hold the person for a revocation
25 hearing. However, no preliminary hearing need be held when
26 revocation is based upon new criminal charges and a court finds
27 probable cause on the new criminal charges or when the
28 revocation is based upon a new criminal conviction and a
29 certified copy of that conviction is available.

30 (d) Parole or mandatory supervised release shall not be
31 revoked without written notice to the offender setting forth
32 the violation of parole or mandatory supervised release charged
33 against him.

34 (e) A hearing on revocation shall be conducted before at
35 least one member of the Prisoner Review Board. The Board may
36 meet and order its actions in panels of 3 or more members. The

1 action of a majority of the panel shall be the action of the
2 Board. In consideration of persons committed to the Juvenile
3 Division, the member hearing the matter and at least a majority
4 of the panel shall be experienced in juvenile matters. A record
5 of the hearing shall be made. At the hearing the offender shall
6 be permitted to:

7 (1) appear and answer the charge; and

8 (2) bring witnesses on his behalf.

9 (f) The Board shall either revoke parole or mandatory
10 supervised release or order the person's term continued with or
11 without modification or enlargement of the conditions.

12 (g) Parole or mandatory supervised release shall not be
13 revoked for failure to make payments under the conditions of
14 parole or release unless the Board determines that such failure
15 is due to the offender's willful refusal to pay.

16 (Source: P.A. 92-460, eff. 1-1-02.)

17 (730 ILCS 5/3-3-10) (from Ch. 38, par. 1003-3-10)

18 Sec. 3-3-10. Eligibility after Revocation; Release under
19 Supervision. (a) A person whose parole or mandatory supervised
20 release has been revoked may be reparaoled or rereleased by the
21 Board at any time to the full parole or mandatory supervised
22 release term under Section 3-3-8, except that the time which
23 the person shall remain subject to the Board shall not exceed
24 (1) the imposed maximum term of imprisonment or confinement and
25 the parole term for those sentenced under the law in effect
26 prior to the effective date of this amendatory Act of 1977 or
27 (2) the term of imprisonment imposed by the court and the
28 mandatory supervised release term for those sentenced under the
29 law in effect on and after such effective date.

30 (b) If the Board sets no earlier release date:

31 (1) A person sentenced for any violation of law which
32 occurred before January 1, 1973, shall be released under
33 supervision 6 months prior to the expiration of his maximum
34 sentence of imprisonment less good time credit under Section
35 3-6-3;

1 (2) Any person who has violated the conditions of his
2 parole and been reconfined under Section 3-3-9 shall be
3 released under supervision 6 months prior to the expiration of
4 the term of his reconfinement under paragraph (a) of Section
5 3-3-9 less good time credit under Section 3-6-3. This paragraph
6 shall not apply to persons serving terms of mandatory
7 supervised release.

8 (3) Nothing herein shall require the release of a person
9 who has violated his parole within 6 months of the date when
10 his release under this Section would otherwise be mandatory.

11 (c) Persons released under this Section shall be subject to
12 Sections 3-3-6, 3-3-7, 3-3-9, 3-14-1, 3-14-2, 3-14-2.5,
13 3-14-3, and 3-14-4.

14 (Source: P.A. 80-1099.)

15 (730 ILCS 5/3-14-2.5 new)

16 Sec. 3-14-2.5. Extended supervision of sex offenders.

17 (a) The Department shall retain custody of all sex
18 offenders placed on mandatory supervised release pursuant to
19 clause (d)(4) of Section 5-8-1 of this Code and shall supervise
20 such persons during their term of supervised release in accord
21 with the conditions set by the Prisoner Review Board pursuant
22 to Section 3-3-7 of this Code.

23 (b) A copy of the conditions of mandatory supervised
24 release shall be signed by the offender and given to him or her
25 and to his or her supervising officer. Commencing 180 days
26 after the offender's release date and continuing every 180 days
27 thereafter for the duration of the supervision term, the
28 supervising officer shall prepare a progress report detailing
29 the offender's adjustment and compliance with the conditions of
30 mandatory supervised release including the offender's
31 participation and progress in sex offender treatment. The
32 progress report shall be submitted to the Prisoner Review Board
33 and copies provided to the chief of police and sheriff in the
34 municipality and county in which the offender resides and is
35 registered.

1 (c) Supervising officers shall receive specialized
2 training in the supervision of sex offenders including the
3 impact of sexual assault on its victims.

4 (d) Releasees serving extended mandatory supervised
5 release terms pursuant to subsection (d) of Section 5-8-1 of
6 this Code may request discharge from supervision as provided by
7 subsection (b) of Section 3-3-8 of this Code. Requests for
8 discharge from extended mandatory supervised release shall be
9 supported by a recommendation by the releasee's supervising
10 agent and an evaluation of the releasee completed no longer
11 than 30 days prior to the request for discharge from
12 supervision. The evaluation shall be conducted by a Sex
13 Offender Management Board approved sex offender evaluator and
14 shall be at the releasee's expense.

15 (e) The term of extended mandatory supervised release
16 pursuant to paragraph (4) of subsection (d) of Section 5-8-1 of
17 this Code shall toll during any period of incarceration.

18 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

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

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

24 (1) for first degree murder,

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

27 (b) if a trier of fact finds beyond a reasonable
28 doubt that the murder was accompanied by exceptionally
29 brutal or heinous behavior indicative of wanton
30 cruelty or, except as set forth in subsection (a)(1)(c)
31 of this Section, that any of the aggravating factors
32 listed in subsection (b) of Section 9-1 of the Criminal
33 Code of 1961 are present, the court may sentence the
34 defendant to a term of natural life imprisonment, or

35 (c) the court shall sentence the defendant to a

1 term of natural life imprisonment when the death
2 penalty is not imposed if the defendant,

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

5 (ii) is a person who, at the time of the
6 commission of the murder, had attained the age of
7 17 or more and is found guilty of murdering an
8 individual under 12 years of age; or, irrespective
9 of the defendant's age at the time of the
10 commission of the offense, is found guilty of
11 murdering more than one victim, or

12 (iii) is found guilty of murdering a peace
13 officer or fireman when the peace officer or
14 fireman was killed in the course of performing his
15 official duties, or to prevent the peace officer or
16 fireman from performing his official duties, or in
17 retaliation for the peace officer or fireman
18 performing his official duties, and the defendant
19 knew or should have known that the murdered
20 individual was a peace officer or fireman, or

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

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

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

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

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

24 For purposes of clause (v), "emergency medical
25 technician - ambulance", "emergency medical technician
26 - intermediate", "emergency medical technician -
27 paramedic", have the meanings ascribed to them in the
28 Emergency Medical Services (EMS) Systems Act.

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

32 (ii) if, during the commission of the offense,
33 the person personally discharged a firearm, 20
34 years shall be added to the term of imprisonment
35 imposed by the court;

36 (iii) if, during the commission of the

1 offense, the person personally discharged a
2 firearm that proximately caused great bodily harm,
3 permanent disability, permanent disfigurement, or
4 death to another person, 25 years or up to a term
5 of natural life shall be added to the term of
6 imprisonment imposed by the court.

7 (1.5) for second degree murder, a term shall be not
8 less than 4 years and not more than 20 years;

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

12 (2.5) for a person convicted under the circumstances
13 described in paragraph (3) of subsection (b) of Section
14 12-13, paragraph (2) of subsection (d) of Section 12-14,
15 paragraph (1.2) of subsection (b) of Section 12-14.1, or
16 paragraph (2) of subsection (b) of Section 12-14.1 of the
17 Criminal Code of 1961, the sentence shall be a term of
18 natural life imprisonment;

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

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

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

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

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

31 (b) The sentencing judge in each felony conviction shall
32 set forth his reasons for imposing the particular sentence he
33 enters in the case, as provided in Section 5-4-1 of this Code.
34 Those reasons may include any mitigating or aggravating factors
35 specified in this Code, or the lack of any such circumstances,
36 as well as any other such factors as the judge shall set forth

1 on the record that are consistent with the purposes and
2 principles of sentencing set out in this Code.

3 (c) A motion to reduce a sentence may be made, or the court
4 may reduce a sentence without motion, within 30 days after the
5 sentence is imposed. A defendant's challenge to the correctness
6 of a sentence or to any aspect of the sentencing hearing shall
7 be made by a written motion filed within 30 days following the
8 imposition of sentence. However, the court may not increase a
9 sentence once it is imposed.

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

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

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

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

35 (1) for first degree murder or a Class X felony except
36 for the offenses of predatory criminal sexual assault of a

1 child, aggravated criminal sexual assault, and criminal
2 sexual assault if convicted on or after July 1, 2005, 3
3 years;

4 (2) for a Class 1 felony or a Class 2 felony except for
5 the offense of criminal sexual assault if convicted on or
6 after July 1, 2005, 2 years;

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

8 (4) for defendants convicted of predatory criminal
9 sexual assault of a child, aggravated criminal sexual
10 assault, or criminal sexual assault, on or after July 1,
11 2005, the term of mandatory supervised release shall range
12 from a minimum of 3 years to a maximum of the natural life
13 of the defendant; if the victim is under 18 years of age,
14 for a second or subsequent offense of criminal sexual
15 assault or aggravated criminal sexual assault, 5 years, at
16 least the first 2 years of which the defendant shall serve
17 in an electronic home detention program under Article 8A of
18 Chapter V of this Code;

19 (5) if the victim is under 18 years of age, for a
20 second or subsequent offense of aggravated criminal sexual
21 abuse or felony criminal sexual abuse, 4 years, at least
22 the first 2 years of which the defendant shall serve in an
23 electronic home detention program under Article 8A of
24 Chapter V of this Code.

25 (e) A defendant who has a previous and unexpired sentence
26 of imprisonment imposed by another state or by any district
27 court of the United States and who, after sentence for a crime
28 in Illinois, must return to serve the unexpired prior sentence
29 may have his sentence by the Illinois court ordered to be
30 concurrent with the prior sentence in the other state. The
31 court may order that any time served on the unexpired portion
32 of the sentence in the other state, prior to his return to
33 Illinois, shall be credited on his Illinois sentence. The other
34 state shall be furnished with a copy of the order imposing
35 sentence which shall provide that, when the offender is
36 released from confinement of the other state, whether by parole

1 or by termination of sentence, the offender shall be
2 transferred by the Sheriff of the committing county to the
3 Illinois Department of Corrections. The court shall cause the
4 Department of Corrections to be notified of such sentence at
5 the time of commitment and to be provided with copies of all
6 records regarding the sentence.

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

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

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

25 Section 99. Effective date. This Act takes effect July 1,
26 2005.