

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 Criminal Code of 1961 is amended by changing
5 Sections 32-5 and 32-5.2 as follows:

6 (720 ILCS 5/32-5) (from Ch. 38, par. 32-5)

7 Sec. 32-5. False personation of attorney, judicial, or
8 governmental officials.

9 (a) A person who falsely represents himself or herself to
10 be an attorney authorized to practice law for purposes of
11 compensation or consideration commits a Class 4 felony. This
12 subsection (a) does not apply to a person who unintentionally
13 fails to pay attorney registration fees established by Supreme
14 Court Rule.

15 (b) A person who falsely represents himself or herself to
16 be a public officer or a public employee or an official or
17 employee of the federal government commits a Class B
18 misdemeanor.

19 (Source: P.A. 90-293, eff. 1-1-98.)

20 (720 ILCS 5/32-5.2) (from Ch. 38, par. 32-5.2)

21 Sec. 32-5.2. Aggravated False Personation of a Peace
22 Officer. A person who knowingly and falsely represents himself
23 or herself to be a peace officer of any jurisdiction in
24 attempting or committing a felony commits a Class 2 ~~3~~ felony. A
25 person who knowingly and falsely represents himself or herself
26 to be a peace officer of any jurisdiction in attempting or
27 committing a forcible felony commits a Class 1 felony.

28 (Source: P.A. 85-741.)

29 Section 10. The Unified Code of Corrections is amended by
30 changing Section 5-8-4 as follows:

1 (730 ILCS 5/5-8-4) (from Ch. 38, par. 1005-8-4)

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

4 (a) When multiple sentences of imprisonment are imposed on
5 a defendant at the same time, or when a term of imprisonment is
6 imposed on a defendant who is already subject to sentence in
7 this State or in another state, or for a sentence imposed by
8 any district court of the United States, the sentences shall
9 run concurrently or consecutively as determined by the court.

10 When one of the offenses for which a defendant was convicted
11 was a violation of Section 32-5.2 of the Criminal Code of 1961
12 and the offense was committed in attempting or committing a
13 forcible felony, the court may impose consecutive sentences.

14 When a term of imprisonment is imposed on a defendant by an
15 Illinois circuit court and the defendant is subsequently
16 sentenced to a term of imprisonment by another state or by a
17 district court of the United States, the Illinois circuit court
18 which imposed the sentence may order that the Illinois sentence
19 be made concurrent with the sentence imposed by the other state
20 or district court of the United States. The defendant must
21 apply to the circuit court within 30 days after the defendant's
22 sentence imposed by the other state or district of the United
23 States is finalized. The court shall impose consecutive
24 sentences if:

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

28 (ii) the defendant was convicted of a violation of
29 Section 12-13, 12-14, or 12-14.1 of the Criminal Code of
30 1961, or

31 (iii) the defendant was convicted of armed violence
32 based upon the predicate offense of solicitation of murder,
33 solicitation of murder for hire, heinous battery,
34 aggravated battery of a senior citizen, criminal sexual
35 assault, a violation of subsection (g) of Section 5 of the

1 Cannabis Control Act, cannabis trafficking, a violation of
2 subsection (a) of Section 401 of the Illinois Controlled
3 Substances Act, controlled substance trafficking involving
4 a Class X felony amount of controlled substance under
5 Section 401 of the Illinois Controlled Substances Act, a
6 violation of the Methamphetamine Control and Community
7 Protection Act, calculated criminal drug conspiracy, or
8 streetgang criminal drug conspiracy, or

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

19 (v) the defendant was convicted of a violation of
20 Section 9-3.1 (concealment of homicidal death) or Section
21 12-20.5 (dismembering a human body) of the Criminal Code of
22 1961,

23 in which event the court shall enter sentences to run
24 consecutively. Sentences shall run concurrently unless
25 otherwise specified by the court.

26 (b) Except in cases where consecutive sentences are
27 mandated, the court shall impose concurrent sentences unless,
28 having regard to the nature and circumstances of the offense
29 and the history and character of the defendant, it is of the
30 opinion that consecutive sentences are required to protect the
31 public from further criminal conduct by the defendant, the
32 basis for which the court shall set forth in the record.

33 (c) (1) For sentences imposed under law in effect prior to
34 February 1, 1978 the aggregate maximum of consecutive
35 sentences shall not exceed the maximum term authorized
36 under Section 5-8-1 for the 2 most serious felonies

1 involved. The aggregate minimum period of consecutive
2 sentences shall not exceed the highest minimum term
3 authorized under Section 5-8-1 for the 2 most serious
4 felonies involved. When sentenced only for misdemeanors, a
5 defendant shall not be consecutively sentenced to more than
6 the maximum for one Class A misdemeanor.

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

21 (d) An offender serving a sentence for a misdemeanor who is
22 convicted of a felony and sentenced to imprisonment shall be
23 transferred to the Department of Corrections, and the
24 misdemeanor sentence shall be merged in and run concurrently
25 with the felony sentence.

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

31 (1) the maximum period of a term of imprisonment shall
32 consist of the aggregate of the maximums of the imposed
33 indeterminate terms, if any, plus the aggregate of the
34 imposed determinate sentences for felonies plus the
35 aggregate of the imposed determinate sentences for
36 misdemeanors subject to paragraph (c) of this Section;

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

4 (3) the minimum period of imprisonment shall be the
5 aggregate of the minimum and determinate periods of
6 imprisonment imposed by the court, subject to paragraph (c)
7 of this Section; and

8 (4) the offender shall be awarded credit against the
9 aggregate maximum term and the aggregate minimum term of
10 imprisonment for all time served in an institution since
11 the commission of the offense or offenses and as a
12 consequence thereof at the rate specified in Section 3-6-3
13 of this Code.

14 (f) A sentence of an offender committed to the Department
15 of Corrections at the time of the commission of the offense
16 shall be served consecutive to the sentence under which he is
17 held by the Department of Corrections. However, in case such
18 offender shall be sentenced to punishment by death, the
19 sentence shall be executed at such time as the court may fix
20 without regard to the sentence under which such offender may be
21 held by the Department.

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

25 (h) If a person charged with a felony commits a separate
26 felony while on pre-trial release or in pretrial detention in a
27 county jail facility or county detention facility, the
28 sentences imposed upon conviction of these felonies shall be
29 served consecutively regardless of the order in which the
30 judgments of conviction are entered.

31 (i) If a person admitted to bail following conviction of a
32 felony commits a separate felony while free on bond or if a
33 person detained in a county jail facility or county detention
34 facility following conviction of a felony commits a separate
35 felony while in detention, any sentence following conviction of
36 the separate felony shall be consecutive to that of the

1 original sentence for which the defendant was on bond or
2 detained.

3 (Source: P.A. 93-160, eff. 7-10-03; 93-768, eff. 7-20-04;
4 94-556, eff. 9-11-05.)