Adopted in House Comm. on Mar 12, 2009

09600HB0524ham001   LRB096 04552 RLC 22618 a

1   AMENDMENT TO HOUSE BILL 524

2   AMENDMENT NO. _____. Amend House Bill 524 on page 2, by

3   inserting immediately below line 2, the following:

4   "(3) If a person is found to have killed more than one

5   person pursuant to this Section separate sentences shall be

6   imposed for the death of each person and those sentences

7   shall be served consecutively pursuant to clause (a)(vi) of

8   Section 5-8-4 of the Unified Code of Corrections."; and

9   by deleting lines 16 through 26 on page 5 and lines 1 through 5

10   on page 6; and

11   on page 6, by inserting immediately below line 8 the following:

12   "Section 10. The Unified Code of Corrections is amended by

13   changing Section 5-8-4 as follows:

14   (730 ILCS 5/5-8-4) (from Ch. 38, par. 1005-8-4)

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

3   (a) When multiple sentences of imprisonment are imposed on
4 a defendant at the same time, or when a term of imprisonment is
5 imposed on a defendant who is already subject to sentence in
6 this State or in another state, or for a sentence imposed by
7 any district court of the United States, the sentences shall
8 run concurrently or consecutively as determined by the court.
9 When one of the offenses for which a defendant was convicted
10 was a violation of Section 32-5.2 of the Criminal Code of 1961
11 and the offense was committed in attempting or committing a
12 forcible felony, the court may impose consecutive sentences.
13 When a term of imprisonment is imposed on a defendant by an
14 Illinois circuit court and the defendant is subsequently
15 sentenced to a term of imprisonment by another state or by a
16 district court of the United States, the Illinois circuit court
17 which imposed the sentence may order that the Illinois sentence
18 be made concurrent with the sentence imposed by the other state
19 or district court of the United States. The defendant must
20 apply to the circuit court within 30 days after the defendant's
21 sentence imposed by the other state or district of the United
22 States is finalized. The court shall impose consecutive
23 sentences if:

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

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

4   (iii) the defendant was convicted of armed violence
5   based upon the predicate offense of solicitation of murder,
6   solicitation of murder for hire, heinous battery,
7   aggravated battery of a senior citizen, criminal sexual
8   assault, a violation of subsection (g) of Section 5 of the
9   Cannabis Control Act, cannabis trafficking, a violation of
10   subsection (a) of Section 401 of the Illinois Controlled
11   Substances Act, controlled substance trafficking involving
12   a Class X felony amount of controlled substance under
13   Section 401 of the Illinois Controlled Substances Act, a
14   violation of the Methamphetamine Control and Community
15   Protection Act, calculated criminal drug conspiracy, or
16   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 either:
20   (A) aggravated driving under the influence of alcohol,
21   other drug or drugs, or intoxicating compound or compounds,
22   or any combination thereof under Section 11-501 of the
23   Illinois Vehicle Code, or (B) reckless homicide under
24   Section 9-3 of the Criminal Code of 1961, or both an
25   offense described in subdivision (A) and an offense
26   described in subdivision (B), or

1   (v) the defendant was convicted of a violation of

2   Section 9-3.1 (concealment of homicidal death) or Section

3   12-20.5 (dismembering a human body) of the Criminal Code of

4   1961, or

5   (vi) the defendant was convicted of involuntary

6   manslaughter or reckless homicide under Section 9-3 of the

7   Criminal Code of 1961,

8   in which event the court shall enter sentences to run

9   consecutively. Sentences shall run concurrently unless

10 otherwise specified by the court.

11   (b) Except in cases where consecutive sentences are

12 mandated, the court shall impose concurrent sentences unless,

13 having regard to the nature and circumstances of the offense

14 and the history and character of the defendant, it is of the

15 opinion that consecutive sentences are required to protect the

16 public from further criminal conduct by the defendant, the

17 basis for which the court shall set forth in the record.

18   (c) (1) For sentences imposed under law in effect prior to

19   February 1, 1978 the aggregate maximum of consecutive

20   sentences shall not exceed the maximum term authorized

21   under Section 5-8-1 for the 2 most serious felonies

22   involved. The aggregate minimum period of consecutive

23   sentences shall not exceed the highest minimum term

24   authorized under Section 5-8-1 for the 2 most serious

25   felonies involved. When sentenced only for misdemeanors, a

26   defendant shall not be consecutively sentenced to more than

1   the maximum for one Class A misdemeanor.

2   (2) For sentences imposed under the law in effect on or

3   after February 1, 1978, the aggregate of consecutive

4   sentences for offenses that were committed as part of a

5   single course of conduct during which there was no

6   substantial change in the nature of the criminal objective

7   shall not exceed the sum of the maximum terms authorized

8   under Section 5-8-2 for the 2 most serious felonies

9   involved, but no such limitation shall apply for offenses

10   that were not committed as part of a single course of

11   conduct during which there was no substantial change in the

12   nature of the criminal objective. When sentenced only for

13   misdemeanors, a defendant shall not be consecutively

14   sentenced to more than the maximum for one Class A

15   misdemeanor.

16   (d) An offender serving a sentence for a misdemeanor who is

17   convicted of a felony and sentenced to imprisonment shall be

18   transferred to the Department of Corrections, and the

19   misdemeanor sentence shall be merged in and run concurrently

20   with the felony sentence.

21   (e) In determining the manner in which consecutive

22   sentences of imprisonment, one or more of which is for a

23   felony, will be served, the Department of Corrections shall

24   treat the offender as though he had been committed for a single

25   term with the following incidents:

26   (1) the maximum period of a term of imprisonment shall

1   consist of the aggregate of the maximums of the imposed

2   indeterminate terms, if any, plus the aggregate of the

3   imposed determinate sentences for felonies plus the

4   aggregate of the imposed determinate sentences for

5   misdemeanors subject to paragraph (c) of this Section;

6   (2) the parole or mandatory supervised release term

7   shall be as provided in paragraph (e) of Section 5-8-1 of

8   this Code for the most serious of the offenses involved;

9   (3) the minimum period of imprisonment shall be the

10   aggregate of the minimum and determinate periods of

11   imprisonment imposed by the court, subject to paragraph (c)

12   of this Section; and

13   (4) the offender shall be awarded credit against the

14   aggregate maximum term and the aggregate minimum term of

15   imprisonment for all time served in an institution since

16   the commission of the offense or offenses and as a

17   consequence thereof at the rate specified in Section 3-6-3

18   of this Code.

19   (f) A sentence of an offender committed to the Department

20   of Corrections at the time of the commission of the offense

21   shall be served consecutive to the sentence under which he is

22   held by the Department of Corrections. However, in case such

23   offender shall be sentenced to punishment by death, the

24   sentence shall be executed at such time as the court may fix

25   without regard to the sentence under which such offender may be

26   held by the Department.

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

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

10   (h-1) If a person commits a battery against a county
11 correctional officer or sheriff's employee while serving a
12 sentence or in pretrial detention in a county jail facility,
13 then the sentence imposed upon conviction of the battery shall
14 be served consecutively with the sentence imposed upon
15 conviction of the earlier misdemeanor or felony, regardless of
16 the order in which the judgments of conviction are entered.

17   (i) If a person admitted to bail following conviction of a
18 felony commits a separate felony while free on bond or if a
19 person detained in a county jail facility or county detention
20 facility following conviction of a felony commits a separate
21 felony while in detention, any sentence following conviction of
22 the separate felony shall be consecutive to that of the
23 original sentence for which the defendant was on bond or
24 detained.

25   (j) If a person is found to be in possession of an item of
26 contraband, as defined in clause (c)(2) of Section 31A-1.1 of

1   the Criminal Code of 1961, while serving a sentence in a penal

2   institution or while in pre-trial detention in a county jail,

3   the sentence imposed upon conviction for the offense of

4   possessing contraband in a penal institution shall be served

5   consecutively to the sentence imposed for the offense in which

6   the person is serving sentence in the county jail or serving

7   pretrial detention, regardless of the order in which the

8   judgments of conviction are entered.

9   (Source: P.A. 94-556, eff. 9-11-05; 94-985, eff. 1-1-07;

10   95-379, eff. 8-23-07; 95-766, eff. 1-1-09.)".