



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB2541

Introduced 2/20/2009, by Rep. Constance A. Howard

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-14-2	from Ch. 38, par. 1003-14-2
730 ILCS 5/3-14-7 new	
730 ILCS 5/5-8-1	from Ch. 38, par. 1005-8-1

Amends the Unified Code of Corrections. Provides that the supervising officer of a person on parole or mandatory supervised release shall request the Department of Corrections to issue a parole violation warrant, and the Department shall issue a parole violation warrant, under certain circumstances. Provides that the mandatory supervised release term for felony domestic battery, aggravated domestic battery, stalking, aggravated stalking, and a felony violation of an order of protection is 4 years. Provides that a person convicted of a felony domestic battery, aggravated domestic battery, stalking, aggravated stalking, or a felony violation of an order of protection shall be supervised during his or her term of parole or mandatory supervised release by a supervising officer who has completed not less than 40 hours of domestic violence and partner abuse intervention training.

LRB096 09386 RLC 19543 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 3-14-2 and 5-8-1 and by adding Section 3-14-7
6 as follows:

7 (730 ILCS 5/3-14-2) (from Ch. 38, par. 1003-14-2)

8 Sec. 3-14-2. Supervision on Parole, Mandatory Supervised
9 Release and Release by Statute.

10 (a) The Department shall retain custody of all persons
11 placed on parole or mandatory supervised release or released
12 pursuant to Section 3-3-10 of this Code and shall supervise
13 such persons during their parole or release period in accord
14 with the conditions set by the Prisoner Review Board. Such
15 conditions shall include referral to an alcohol or drug abuse
16 treatment program, as appropriate, if such person has
17 previously been identified as having an alcohol or drug abuse
18 problem. Such conditions may include that the person use an
19 approved electronic monitoring device subject to Article 8A of
20 Chapter V.

21 (b) The Department shall assign personnel to assist persons
22 eligible for parole in preparing a parole plan. Such Department
23 personnel shall make a report of their efforts and findings to

1 the Prisoner Review Board prior to its consideration of the
2 case of such eligible person.

3 (c) A copy of the conditions of his parole or release shall
4 be signed by the parolee or releasee and given to him and to
5 his supervising officer who shall report on his progress under
6 the rules and regulations of the Prisoner Review Board. The
7 supervising officer shall report violations to the Prisoner
8 Review Board and shall have the full power of peace officers in
9 the arrest and retaking of any parolees or releasees or the
10 officer may request the Department to issue a warrant for the
11 arrest of any parolee or releasee who has allegedly violated
12 his parole or release conditions.

13 (c-1) The supervising officer shall request the Department
14 to issue a parole violation warrant, and the Department shall
15 issue a parole violation warrant, under the following
16 circumstances:

17 (1) If the parolee or releasee commits an act that
18 constitutes a felony using a firearm or knife, ~~or,~~

19 (2) if applicable, fails to comply with the
20 requirements of the Sex Offender Registration Act, or

21 (3) if the parolee or releasee is charged with:

22 (A) domestic battery under Section 12-3.2 of the
23 Criminal Code of 1961,

24 (B) aggravated domestic battery under Section
25 12-3.3 of the Criminal Code of 1961,

26 (C) stalking under Section 12-7.3 of the Criminal

1 Code of 1961,

2 (D) aggravated stalking under Section 12-7.4 of
3 the Criminal Code of 1961,

4 (E) violation of an order of protection under
5 Section 12-30 of the Criminal Code of 1961, or

6 (F) any offense that would require registration as
7 a sex offender under the Sex Offender Registration Act.

8 ~~the officer shall request the Department to issue a~~
9 ~~warrant and the Department shall issue the warrant and the~~
10 ~~officer or the Department shall file a violation report~~
11 ~~with notice of charges with the Prisoner Review Board. A~~
12 sheriff or other peace officer may detain an alleged parole
13 or release violator until a warrant for his return to the
14 Department can be issued. The parolee or releasee may be
15 delivered to any secure place until he can be transported
16 to the Department. The officer or the Department shall file
17 a violation report with notice of charges with the Prisoner
18 Review Board.

19 (d) The supervising officer shall regularly advise and
20 consult with the parolee or releasee, assist him in adjusting
21 to community life, inform him of the restoration of his rights
22 on successful completion of sentence under Section 5-5-5. If
23 the parolee or releasee has been convicted of a sex offense as
24 defined in the Sex Offender Management Board Act, the
25 supervising officer shall periodically, but not less than once
26 a month, verify that the parolee or releasee is in compliance

1 with paragraph (7.6) of subsection (a) of Section 3-3-7.

2 (e) Supervising officers shall receive specialized
3 training in the special needs of female releasees or parolees
4 including the family reunification process.

5 (f) The supervising officer shall keep such records as the
6 Prisoner Review Board or Department may require. All records
7 shall be entered in the master file of the individual.

8 (Source: P.A. 93-979, eff. 8-20-04; 94-161, eff. 7-11-05.)

9 (730 ILCS 5/3-14-7 new)

10 Sec. 3-14-7. Supervision of domestic violence offenders. A
11 person convicted of a felony domestic battery, aggravated
12 domestic battery, stalking, aggravated stalking, or a felony
13 violation of an order of protection shall be supervised during
14 his or her term of parole or mandatory supervised release by a
15 supervising officer who has completed not less than 40 hours of
16 domestic violence and partner abuse intervention training.

17 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

18 (Text of Section after amendment by P.A. 95-983)

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,

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

3 (b) if a trier of fact finds beyond a reasonable
4 doubt that the murder was accompanied by exceptionally
5 brutal or heinous behavior indicative of wanton
6 cruelty or, except as set forth in subsection (a) (1) (c)
7 of this Section, that any of the aggravating factors
8 listed in subsection (b) of Section 9-1 of the Criminal
9 Code of 1961 are present, the court may sentence the
10 defendant to a term of natural life imprisonment, or

11 (c) the court shall sentence the defendant to a
12 term of natural life imprisonment when the death
13 penalty is not imposed if the defendant,

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

16 (ii) is a person who, at the time of the
17 commission of the murder, had attained the age of
18 17 or more and is found guilty of murdering an
19 individual under 12 years of age; or, irrespective
20 of the defendant's age at the time of the
21 commission of the offense, is found guilty of
22 murdering more than one victim, or

23 (iii) is found guilty of murdering a peace
24 officer, fireman, or emergency management worker
25 when the peace officer, fireman, or emergency
26 management worker was killed in the course of

1 performing his official duties, or to prevent the
2 peace officer or fireman from performing his
3 official duties, or in retaliation for the peace
4 officer, fireman, or emergency management worker
5 from performing his official duties, and the
6 defendant knew or should have known that the
7 murdered individual was a peace officer, fireman,
8 or emergency management worker, or

9 (iv) is found guilty of murdering an employee
10 of an institution or facility of the Department of
11 Corrections, or any similar local correctional
12 agency, when the employee was killed in the course
13 of performing his official duties, or to prevent
14 the employee from performing his official duties,
15 or in retaliation for the employee performing his
16 official duties, or

17 (v) is found guilty of murdering an emergency
18 medical technician - ambulance, emergency medical
19 technician - intermediate, emergency medical
20 technician - paramedic, ambulance driver or other
21 medical assistance or first aid person while
22 employed by a municipality or other governmental
23 unit when the person was killed in the course of
24 performing official duties or to prevent the
25 person from performing official duties or in
26 retaliation for performing official duties and the

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

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

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

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

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

4 (ii) if, during the commission of the offense,
5 the person personally discharged a firearm, 20
6 years shall be added to the term of imprisonment
7 imposed by the court;

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

15 (1.5) for second degree murder, a term shall be not
16 less than 4 years and not more than 20 years;

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

20 (2.5) for a person convicted under the circumstances
21 described in paragraph (3) of subsection (b) of Section
22 12-13, paragraph (2) of subsection (d) of Section 12-14,
23 paragraph (1.2) of subsection (b) of Section 12-14.1, or
24 paragraph (2) of subsection (b) of Section 12-14.1 of the
25 Criminal Code of 1961, the sentence shall be a term of
26 natural life imprisonment;

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

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

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

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

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

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

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

1 sentence once it is imposed.

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

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

12 A motion filed pursuant to this subsection shall not be
13 considered to have been timely filed unless it is filed with
14 the circuit court clerk within 30 days after the sentence is
15 imposed together with a notice of motion, which notice of
16 motion shall set the motion on the court's calendar on a date
17 certain within a reasonable time after the date of filing.

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

1 (1) for first degree murder or a Class X felony except
2 for the offenses of predatory criminal sexual assault of a
3 child, aggravated criminal sexual assault, and criminal
4 sexual assault if committed on or after the effective date
5 of this amendatory Act of the 94th General Assembly and
6 except for the offense of aggravated child pornography
7 under Section 11-20.3 of the Criminal Code of 1961, if
8 committed on or after January 1, 2009, 3 years;

9 (2) for a Class 1 felony or a Class 2 felony except for
10 the offense of criminal sexual assault if committed on or
11 after the effective date of this amendatory Act of the 94th
12 General Assembly and except for the offenses of manufacture
13 and dissemination of child pornography under clauses
14 (a) (1) and (a) (2) of Section 11-20.1 of the Criminal Code
15 of 1961, if committed on or after January 1, 2009, 2 years;

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

17 (4) for defendants who commit the offense of predatory
18 criminal sexual assault of a child, aggravated criminal
19 sexual assault, or criminal sexual assault, on or after the
20 effective date of this amendatory Act of the 94th General
21 Assembly, or who commit the offense of aggravated child
22 pornography, manufacture of child pornography, or
23 dissemination of child pornography after January 1, 2009,
24 the term of mandatory supervised release shall range from a
25 minimum of 3 years to a maximum of the natural life of the
26 defendant;

1 (5) if the victim is under 18 years of age, for a
2 second or subsequent offense of aggravated criminal sexual
3 abuse or felony criminal sexual abuse, 4 years, at least
4 the first 2 years of which the defendant shall serve in an
5 electronic home detention program under Article 8A of
6 Chapter V of this Code; -

7 (6) for a felony domestic battery, aggravated domestic
8 battery, stalking, aggravated stalking, and a felony
9 violation of an order of protection, 4 years.

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

1 records regarding the sentence.

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

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

18 (Source: P.A. 94-165, eff. 7-11-05; 94-243, eff. 1-1-06;
19 94-715, eff. 12-13-05; 95-983, eff. 6-1-09.)