



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

**HB4666**

by Rep. Monique D. Davis

#### SYNOPSIS AS INTRODUCED:

730 ILCS 5/5-8-1

from Ch. 38, par. 1005-8-1

Amends the Unified Code of Corrections. Provides that the court shall sentence the defendant to a term of natural life imprisonment when the death penalty is not imposed if the defendant is found guilty of an offense involving the use of a firearm in the commission of that offense. Effective immediately.

LRB096 15272 RLC 30363 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

A BILL FOR

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 Section 5-8-1 as follows:

6 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

7 Sec. 5-8-1. Natural life imprisonment; mandatory  
8 supervised release.

9 (a) Except as otherwise provided in the statute defining  
10 the offense or in Article 4.5 of Chapter V, a sentence of  
11 imprisonment for a felony shall be a determinate sentence set  
12 by the court under this Section, according to the following  
13 limitations:

14 (1) for first degree murder,

15 (a) (blank),

16 (b) if a trier of fact finds beyond a reasonable  
17 doubt that the murder was accompanied by exceptionally  
18 brutal or heinous behavior indicative of wanton  
19 cruelty or, except as set forth in subsection (a) (1) (c)  
20 of this Section, that any of the aggravating factors  
21 listed in subsection (b) of Section 9-1 of the Criminal  
22 Code of 1961 are present, the court may sentence the  
23 defendant to a term of natural life imprisonment, or

1 (c) the court shall sentence the defendant to a  
2 term of natural life imprisonment when the death  
3 penalty is not imposed if the defendant,

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

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

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

25 (iv) is found guilty of murdering an employee  
26 of an institution or facility of the Department of

1 Corrections, or any similar local correctional  
2 agency, when the employee was killed in the course  
3 of performing his official duties, or to prevent  
4 the employee from performing his official duties,  
5 or in retaliation for the employee performing his  
6 official duties, or

7 (v) is found guilty of murdering an emergency  
8 medical technician - ambulance, emergency medical  
9 technician - intermediate, emergency medical  
10 technician - paramedic, ambulance driver or other  
11 medical assistance or first aid person while  
12 employed by a municipality or other governmental  
13 unit when the person was killed in the course of  
14 performing official duties or to prevent the  
15 person from performing official duties or in  
16 retaliation for performing official duties and the  
17 defendant knew or should have known that the  
18 murdered individual was an emergency medical  
19 technician - ambulance, emergency medical  
20 technician - intermediate, emergency medical  
21 technician - paramedic, ambulance driver, or other  
22 medical assistant or first aid personnel, or

23 (vi) is a person who, at the time of the  
24 commission of the murder, had not attained the age  
25 of 17, and is found guilty of murdering a person  
26 under 12 years of age and the murder is committed

1 during the course of aggravated criminal sexual  
2 assault, criminal sexual assault, or aggravated  
3 kidnaping, or

4 (vii) is found guilty of first degree murder  
5 and the murder was committed by reason of any  
6 person's activity as a community policing  
7 volunteer or to prevent any person from engaging in  
8 activity as a community policing volunteer. For  
9 the purpose of this Section, "community policing  
10 volunteer" has the meaning ascribed to it in  
11 Section 2-3.5 of the Criminal Code of 1961, or

12 (viii) is found guilty of an offense involving  
13 the use of a firearm in the commission of that  
14 offense.

15 For any offense involving the use of a firearm in  
16 the commission of that offense committed on or after  
17 the effective date of this amendatory Act of the 96th  
18 General Assembly, the sentence provided in clause  
19 (viii) shall apply notwithstanding any other provision  
20 of law providing for a lesser sentence.

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

26 (d) (i) if the person committed the offense while

1 armed with a firearm, 15 years shall be added to  
2 the term of imprisonment imposed by the court;

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

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

14 (2) (blank);

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

22 (b) (Blank~~→~~).  

23 (c) (Blank~~→~~).  

24 (d) Subject to earlier termination under Section 3-3-8, the  
25 parole or mandatory supervised release term shall be as  
26 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) (Blank~~-~~).  

11          (f) (Blank~~-~~).  

12          (Source: P.A. 95-983, eff. 6-1-09; 95-1052, eff. 7-1-09;  
13          96-282, eff. 1-1-10; revised 9-4-09.)

14          Section 95. No acceleration or delay. Where this Act makes  
15          changes in a statute that is represented in this Act by text  
16          that is not yet or no longer in effect (for example, a Section  
17          represented by multiple versions), the use of that text does  
18          not accelerate or delay the taking effect of (i) the changes  
19          made by this Act or (ii) provisions derived from any other  
20          Public Act.

21          Section 99. Effective date. This Act takes effect upon  
22          becoming law.