



Sen. Ira I. Silverstein

Filed: 2/19/2009

09600SB0064sam001

LRB096 02912 RLC 21250 a

1 AMENDMENT TO SENATE BILL 64

2 AMENDMENT NO. _____. Amend Senate Bill 64 on page 2, by
3 inserting immediately below line 11, 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 on page 6, by inserting immediately below line 15 the
10 following:

11 "Section 10. The Unified Code of Corrections is amended by
12 changing Section 5-8-4 as follows:

13 (730 ILCS 5/5-8-4) (from Ch. 38, par. 1005-8-4)
14 Sec. 5-8-4. Concurrent and Consecutive Terms of
15 Imprisonment.

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

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

25 (ii) the defendant was convicted of a violation of
26 Section 12-13, 12-14, or 12-14.1 of the Criminal Code of

1 1961, or

2 (iii) the defendant was convicted of armed violence
3 based upon the predicate offense of solicitation of murder,
4 solicitation of murder for hire, heinous battery,
5 aggravated battery of a senior citizen, criminal sexual
6 assault, a violation of subsection (g) of Section 5 of the
7 Cannabis Control Act, cannabis trafficking, a violation of
8 subsection (a) of Section 401 of the Illinois Controlled
9 Substances Act, controlled substance trafficking involving
10 a Class X felony amount of controlled substance under
11 Section 401 of the Illinois Controlled Substances Act, a
12 violation of the Methamphetamine Control and Community
13 Protection Act, calculated criminal drug conspiracy, or
14 streetgang criminal drug conspiracy, or

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

25 (v) the defendant was convicted of a violation of
26 Section 9-3.1 (concealment of homicidal death) or Section

1 12-20.5 (dismembering a human body) of the Criminal Code of
2 1961, or

3 (vi) the defendant was convicted of involuntary
4 manslaughter or reckless homicide under Section 9-3 of the
5 Criminal Code of 1961,

6 in which event the court shall enter sentences to run
7 consecutively. Sentences shall run concurrently unless
8 otherwise specified by the court.

9 (b) Except in cases where consecutive sentences are
10 mandated, the court shall impose concurrent sentences unless,
11 having regard to the nature and circumstances of the offense
12 and the history and character of the defendant, it is of the
13 opinion that consecutive sentences are required to protect the
14 public from further criminal conduct by the defendant, the
15 basis for which the court shall set forth in the record.

16 (c) (1) For sentences imposed under law in effect prior to
17 February 1, 1978 the aggregate maximum of consecutive
18 sentences shall not exceed the maximum term authorized
19 under Section 5-8-1 for the 2 most serious felonies
20 involved. The aggregate minimum period of consecutive
21 sentences shall not exceed the highest minimum term
22 authorized under Section 5-8-1 for the 2 most serious
23 felonies involved. When sentenced only for misdemeanors, a
24 defendant shall not be consecutively sentenced to more than
25 the maximum for one Class A misdemeanor.

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

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

14 (d) An offender serving a sentence for a misdemeanor who is
15 convicted of a felony and sentenced to imprisonment shall be
16 transferred to the Department of Corrections, and the
17 misdemeanor sentence shall be merged in and run concurrently
18 with the felony sentence.

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

24 (1) the maximum period of a term of imprisonment shall
25 consist of the aggregate of the maximums of the imposed
26 indeterminate terms, if any, plus the aggregate of the

1 imposed determinate sentences for felonies plus the
2 aggregate of the imposed determinate sentences for
3 misdemeanors subject to paragraph (c) of this Section;

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

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

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

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

25 (g) A sentence under Section 3-6-4 for escape or attempted
26 escape shall be served consecutive to the terms under which the

1 offender is held by the Department of Corrections.

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

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

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

23 (j) If a person is found to be in possession of an item of
24 contraband, as defined in clause (c)(2) of Section 31A-1.1 of
25 the Criminal Code of 1961, while serving a sentence in a penal
26 institution or while in pre-trial detention in a county jail,

1 the sentence imposed upon conviction for the offense of
2 possessing contraband in a penal institution shall be served
3 consecutively to the sentence imposed for the offense in which
4 the person is serving sentence in the county jail or serving
5 pretrial detention, regardless of the order in which the
6 judgments of conviction are entered.

7 (Source: P.A. 94-556, eff. 9-11-05; 94-985, eff. 1-1-07;
8 95-379, eff. 8-23-07; 95-766, eff. 1-1-09.)

9 Section 99. Effective date. This Act takes effect upon
10 becoming law."