



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB1263

Introduced 02/08/11, by Rep. Keith Farnham - Michelle Mussman

#### SYNOPSIS AS INTRODUCED:

730 ILCS 5/5-8-1

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

Amends the Unified Code of Corrections. Provides that for a person convicted of criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, criminal sexual abuse, or aggravated criminal sexual abuse when the victim of any such offense at the time of the commission of the offense was under 18 years of age and the person had within the previous 20 years been convicted of any of those offenses when the victim of the offense at the time of the commission of the offense was under 18 years of age, the sentence shall be a term of natural life imprisonment.

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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; enhancements for  
8 use of a firearm; mandatory supervised release terms.

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) or (b-5) of Section 9-1 of the  
22 Criminal Code of 1961 are present, the court may  
23 sentence the defendant to a term of natural life

1 imprisonment, or

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

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

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

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

26 (iv) is found guilty of murdering an employee

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

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

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

1 under 12 years of age and the murder is committed  
2 during the course of aggravated criminal sexual  
3 assault, criminal sexual assault, or aggravated  
4 kidnaping, or

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

13 For purposes of clause (v), "emergency medical  
14 technician - ambulance", "emergency medical technician  
15 - intermediate", "emergency medical technician -  
16 paramedic", have the meanings ascribed to them in the  
17 Emergency Medical Services (EMS) Systems Act.

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

21 (ii) if, during the commission of the offense,  
22 the person personally discharged a firearm, 20  
23 years shall be added to the term of imprisonment  
24 imposed by the court;

25 (iii) if, during the commission of the  
26 offense, the person personally discharged a

1 firearm that proximately caused great bodily harm,  
2 permanent disability, permanent disfigurement, or  
3 death to another person, 25 years or up to a term  
4 of natural life shall be added to the term of  
5 imprisonment imposed by the court; ▯

6 (2) (blank);

7 (2.5) for a person convicted under the circumstances  
8 described in paragraph (3) of subsection (b) of Section  
9 12-13, paragraph (2) of subsection (d) of Section 12-14,  
10 paragraph (1.2) of subsection (b) of Section 12-14.1, or  
11 paragraph (2) of subsection (b) of Section 12-14.1 of the  
12 Criminal Code of 1961, the sentence shall be a term of  
13 natural life imprisonment; ▯

14 (3) for a person convicted of criminal sexual assault,  
15 aggravated criminal sexual assault, predatory criminal  
16 sexual assault of a child, criminal sexual abuse, or  
17 aggravated criminal sexual abuse when the victim of any of  
18 the offenses listed in this paragraph (3) at the time of  
19 the commission of the offense was under 18 years of age and  
20 the person had within the previous 20 years been convicted  
21 of any of the offenses listed in this paragraph (3) when  
22 the victim of the offense at the time of the commission of  
23 the offense was under 18 years of age, the sentence shall  
24 be a term of natural life imprisonment.

25 (b) (Blank).

26 (c) (Blank).

1           (d) Subject to earlier termination under Section 3-3-8, the  
2 parole or mandatory supervised release term shall be as  
3 follows:

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

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

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

20           (4) for defendants who commit the offense of predatory  
21 criminal sexual assault of a child, aggravated criminal  
22 sexual assault, or criminal sexual assault, on or after the  
23 effective date of this amendatory Act of the 94th General  
24 Assembly, or who commit the offense of aggravated child  
25 pornography, manufacture of child pornography, or  
26 dissemination of child pornography after January 1, 2009,

1 the term of mandatory supervised release shall range from a  
2 minimum of 3 years to a maximum of the natural life of the  
3 defendant;

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

10 (6) for a felony domestic battery, aggravated domestic  
11 battery, stalking, aggravated stalking, and a felony  
12 violation of an order of protection, 4 years.

13 (e) (Blank).

14 (f) (Blank).

15 (Source: P.A. 95-983, eff. 6-1-09; 95-1052, eff. 7-1-09;  
16 96-282, eff. 1-1-10; 96-1000, eff. 7-2-10; 96-1200, eff.  
17 7-22-10; 96-1475, eff. 1-1-11; revised 9-16-10.)