

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 1. Purpose.

5 (a) The General Assembly finds and declares that:

6 (1) Public Act 89-203, effective July 21, 1995,
7 contained provisions amending the Criminal Code of 1961 and
8 the Unified Code of Corrections. Public Act 89-203 also
9 contained other provisions, including revisions to the
10 Vehicle Code, the Counties Code, and the Code of Civil
11 Procedure.

12 (2) On November 18, 1999, the Illinois Supreme Court,
13 in *People v. Wooters*, 1999, 243 Ill. Dec. 33, 188 Ill.2d
14 500, 722 N.E.2d 1102 ruled that Public Act 89-203 violates
15 the single subject clause of the Illinois Constitution
16 (Article IV, Section 8 (d)) and was unconstitutional in its
17 entirety.

18 (3) The provisions of Public Act 89-203 amending
19 Section 5-8-1 of the Unified Code of Corrections is of
20 vital concern to the people of this State and legislative
21 action concerning that provision of Public Act 89-203 is
22 necessary.

23 (b) The purpose of this Act is to re-enact the provisions
24 of Section 5-8-1 of the Unified Code of Corrections of Public

1 Act 89-203, including subsequent amendments. This re-enactment
2 is intended to remove any question as to the validity or
3 content of those provisions.

4 (c) This Act re-enacts the provisions of Section 5-8-1 of
5 the Unified Code of Corrections added by Public Act 89-203,
6 including subsequent amendments, to remove any question as to
7 the validity or content of those provisions; it is not intended
8 to supersede any other Public Act that amends the text of the
9 Sections as set forth in this Act. The material is shown as
10 existing text (i.e., without underscoring).

11 Section 5. The Unified Code of Corrections is amended by
12 reenacting Section 5-8-1 as follows:

13 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

14 (Text of Section after amendment by P.A. 96-1551)

15 Sec. 5-8-1. Natural life imprisonment; enhancements for
16 use of a firearm; mandatory supervised release terms.

17 (a) Except as otherwise provided in the statute defining
18 the offense or in Article 4.5 of Chapter V, a sentence of
19 imprisonment for a felony shall be a determinate sentence set
20 by the court under this Section, according to the following
21 limitations:

22 (1) for first degree murder,

23 (a) (blank),

24 (b) if a trier of fact finds beyond a reasonable

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

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

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

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

21 (iii) is found guilty of murdering a peace
22 officer, fireman, or emergency management worker
23 when the peace officer, fireman, or emergency
24 management worker was killed in the course of
25 performing his official duties, or to prevent the
26 peace officer or fireman from performing his

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

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

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

1 technician - ambulance, emergency medical
2 technician - intermediate, emergency medical
3 technician - paramedic, ambulance driver, or other
4 medical assistant or first aid personnel, or

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

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

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

25 (d) (i) if the person committed the offense while
26 armed with a firearm, 15 years shall be added to

1 the term of imprisonment imposed by the court;

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

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

13 (2) (blank);

14 (2.5) for a person convicted under the circumstances
15 described in subdivision (b)(1)(B) of Section 11-1.20 or
16 paragraph (3) of subsection (b) of Section 12-13,
17 subdivision (d)(2) of Section 11-1.30 or paragraph (2) of
18 subsection (d) of Section 12-14, subdivision (b)(1.2) of
19 Section 11-1.40 or paragraph (1.2) of subsection (b) of
20 Section 12-14.1, subdivision (b)(2) of Section 11-1.40 or
21 paragraph (2) of subsection (b) of Section 12-14.1 of the
22 Criminal Code of 1961, the sentence shall be a term of
23 natural life imprisonment.

24 (b) (Blank).

25 (c) (Blank).

26 (d) Subject to earlier termination under Section 3-3-8, the

1 parole or mandatory supervised release term shall be as
2 follows:

3 (1) for first degree murder or a Class X felony except
4 for the offenses of predatory criminal sexual assault of a
5 child, aggravated criminal sexual assault, and criminal
6 sexual assault if committed on or after the effective date
7 of this amendatory Act of the 94th General Assembly and
8 except for the offense of aggravated child pornography
9 under Section 11-20.1B or 11-20.3 of the Criminal Code of
10 1961, if committed on or after January 1, 2009, 3 years;

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

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

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

1 minimum of 3 years to a maximum of the natural life of the
2 defendant;

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

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

12 (e) (Blank).

13 (f) (Blank).

14 (Source: P.A. 95-983, eff. 6-1-09; 95-1052, eff. 7-1-09;
15 96-282, eff. 1-1-10; 96-1000, eff. 7-2-10; 96-1200, eff.
16 7-22-10; 96-1475, eff. 1-1-11; 96-1551, eff. 7-1-11.)

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.