



Sen. William R. Haine

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09700SB1042sam001

LRB097 04746 RLC 54393 a

1 AMENDMENT TO SENATE BILL 1042

2 AMENDMENT NO. _____. Amend Senate Bill 1042 by replacing
3 everything after the enacting clause with the following:

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.

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

6 (b) The purpose of this Act is to re-enact the provisions
7 of Section 5-8-1 of the Unified Code of Corrections of Public
8 Act 89-203, including subsequent amendments. This re-enactment
9 is intended to remove any question as to the validity or
10 content of those provisions.

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

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

20 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

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

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

24 (a) Except as otherwise provided in the statute defining

1 the offense or in Article 4.5 of Chapter V, a sentence of
2 imprisonment for a felony shall be a determinate sentence set
3 by the court under this Section, according to the following
4 limitations:

5 (1) for first degree murder,

6 (a) (blank),

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

16 (c) the court shall sentence the defendant to a
17 term of natural life imprisonment when the death
18 penalty is not imposed if the defendant,

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

21 (ii) is a person who, at the time of the
22 commission of the murder, had attained the age of
23 17 or more and is found guilty of murdering an
24 individual under 12 years of age; or, irrespective
25 of the defendant's age at the time of the
26 commission of the offense, is found guilty of

1 murdering more than one victim, or

2 (iii) is found guilty of murdering a peace
3 officer, fireman, or emergency management worker
4 when the peace officer, fireman, or emergency
5 management worker was killed in the course of
6 performing his official duties, or to prevent the
7 peace officer or fireman from performing his
8 official duties, or in retaliation for the peace
9 officer, fireman, or emergency management worker
10 from performing his official duties, and the
11 defendant knew or should have known that the
12 murdered individual was a peace officer, fireman,
13 or emergency management worker, or

14 (iv) is found guilty of murdering an employee
15 of an institution or facility of the Department of
16 Corrections, or any similar local correctional
17 agency, when the employee was killed in the course
18 of performing his official duties, or to prevent
19 the employee from performing his official duties,
20 or in retaliation for the employee performing his
21 official duties, or

22 (v) is found guilty of murdering an emergency
23 medical technician - ambulance, emergency medical
24 technician - intermediate, emergency medical
25 technician - paramedic, ambulance driver or other
26 medical assistance or first aid person while

1 employed by a municipality or other governmental
2 unit when the person was killed in the course of
3 performing official duties or to prevent the
4 person from performing official duties or in
5 retaliation for performing official duties and the
6 defendant knew or should have known that the
7 murdered individual was an emergency medical
8 technician - ambulance, emergency medical
9 technician - intermediate, emergency medical
10 technician - paramedic, ambulance driver, or other
11 medical assistant or first aid personnel, or

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

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

1 For purposes of clause (v), "emergency medical
2 technician - ambulance", "emergency medical technician
3 - intermediate", "emergency medical technician -
4 paramedic", have the meanings ascribed to them in the
5 Emergency Medical Services (EMS) Systems Act.

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

9 (ii) if, during the commission of the offense,
10 the person personally discharged a firearm, 20
11 years shall be added to the term of imprisonment
12 imposed by the court;

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

20 (2) (blank);

21 (2.5) for a person convicted under the circumstances
22 described in subdivision (b)(1)(B) of Section 11-1.20 or
23 paragraph (3) of subsection (b) of Section 12-13,
24 subdivision (d)(2) of Section 11-1.30 or paragraph (2) of
25 subsection (d) of Section 12-14, subdivision (b)(1.2) of
26 Section 11-1.40 or paragraph (1.2) of subsection (b) of

1 Section 12-14.1, subdivision (b) (2) of Section 11-1.40 or
2 paragraph (2) of subsection (b) of Section 12-14.1 of the
3 Criminal Code of 1961, the sentence shall be a term of
4 natural life imprisonment.

5 (b) (Blank).

6 (c) (Blank).

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

10 (1) for first degree murder or a Class X felony except
11 for the offenses of predatory criminal sexual assault of a
12 child, aggravated criminal sexual assault, and criminal
13 sexual assault if committed on or after the effective date
14 of this amendatory Act of the 94th General Assembly and
15 except for the offense of aggravated child pornography
16 under Section 11-20.1B or 11-20.3 of the Criminal Code of
17 1961, if committed on or after January 1, 2009, 3 years;

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

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

26 (4) for defendants who commit the offense of predatory

1 criminal sexual assault of a child, aggravated criminal
2 sexual assault, or criminal sexual assault, on or after the
3 effective date of this amendatory Act of the 94th General
4 Assembly, or who commit the offense of aggravated child
5 pornography, manufacture of child pornography, or
6 dissemination of child pornography after January 1, 2009,
7 the term of mandatory supervised release shall range from a
8 minimum of 3 years to a maximum of the natural life of the
9 defendant;

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

16 (6) for a felony domestic battery, aggravated domestic
17 battery, stalking, aggravated stalking, and a felony
18 violation of an order of protection, 4 years.

19 (e) (Blank).

20 (f) (Blank).

21 (Source: P.A. 95-983, eff. 6-1-09; 95-1052, eff. 7-1-09;
22 96-282, eff. 1-1-10; 96-1000, eff. 7-2-10; 96-1200, eff.
23 7-22-10; 96-1475, eff. 1-1-11; 96-1551, eff. 7-1-11.)

24 Section 99. Effective date. This Act takes effect upon
25 becoming law."