



Sen. Kirk W. Dillard

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LRB097 06953 RLC 53822 a

1 AMENDMENT TO SENATE BILL 1465

2 AMENDMENT NO. _____. Amend Senate Bill 1465 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 1961 is amended by
5 changing Sections 8-4 and 9-1 as follows:

6 (720 ILCS 5/8-4) (from Ch. 38, par. 8-4)

7 Sec. 8-4. Attempt.

8 (a) Elements of the offense.

9 A person commits the offense of attempt when, with intent
10 to commit a specific offense, he or she does any act that
11 constitutes a substantial step toward the commission of that
12 offense.

13 (b) Impossibility.

14 It is not a defense to a charge of attempt that because of
15 a misapprehension of the circumstances it would have been
16 impossible for the accused to commit the offense attempted.

1 (c) Sentence.

2 A person convicted of attempt may be fined or imprisoned or
3 both not to exceed the maximum provided for the offense
4 attempted but, except for an attempt to commit the offense
5 defined in Section 33A-2 of this Code:

6 (1) the sentence for attempt to commit first degree
7 murder is the sentence for a Class X felony, except that

8 (A) an attempt to commit first degree murder when
9 at least one of the aggravating factors specified in
10 paragraphs (1) and, (2), ~~and (12)~~ of subsection (b) and
11 in paragraphs (1) and (9) of subsection (c) of Section
12 9-1 is present is a Class X felony for which the
13 sentence shall be a term of imprisonment of not less
14 than 20 years and not more than 80 years;

15 (B) an attempt to commit first degree murder while
16 armed with a firearm is a Class X felony for which 15
17 years shall be added to the term of imprisonment
18 imposed by the court;

19 (C) an attempt to commit first degree murder during
20 which the person personally discharged a firearm is a
21 Class X felony for which 20 years shall be added to the
22 term of imprisonment imposed by the court;

23 (D) an attempt to commit first degree murder during
24 which the person personally discharged a firearm that
25 proximately caused great bodily harm, permanent
26 disability, permanent disfigurement, or death to

1 another person is a Class X felony for which 25 years
2 or up to a term of natural life shall be added to the
3 term of imprisonment imposed by the court; and

4 (E) if the defendant proves by a preponderance of
5 the evidence at sentencing that, at the time of the
6 attempted murder, he or she was acting under a sudden
7 and intense passion resulting from serious provocation
8 by the individual whom the defendant endeavored to
9 kill, or another, and, had the individual the defendant
10 endeavored to kill died, the defendant would have
11 negligently or accidentally caused that death, then
12 the sentence for the attempted murder is the sentence
13 for a Class 1 felony;

14 (2) the sentence for attempt to commit a Class X felony
15 is the sentence for a Class 1 felony;

16 (3) the sentence for attempt to commit a Class 1 felony
17 is the sentence for a Class 2 felony;

18 (4) the sentence for attempt to commit a Class 2 felony
19 is the sentence for a Class 3 felony; and

20 (5) the sentence for attempt to commit any felony other
21 than those specified in items (1), (2), (3), and (4) of
22 this subsection (c) is the sentence for a Class A
23 misdemeanor.

24 (Source: P.A. 96-710, eff. 1-1-10.)

25 (720 ILCS 5/9-1) (from Ch. 38, par. 9-1)

1 Sec. 9-1. First degree Murder - Death penalties -
2 Exceptions - Separate Hearings - Proof - Findings - Appellate
3 procedures - Reversals.

4 (a) A person who kills an individual without lawful
5 justification commits first degree murder if, in performing the
6 acts which cause the death:

7 (1) he either intends to kill or do great bodily harm
8 to that individual or another, or knows that such acts will
9 cause death to that individual or another; or

10 (2) he knows that such acts create a strong probability
11 of death or great bodily harm to that individual or
12 another; or

13 (3) he is attempting or committing a forcible felony
14 other than second degree murder.

15 (b) Aggravating Factors; Death Penalty. A defendant who at
16 the time of the commission of the offense has attained the age
17 of 18 or more and who has been found guilty of first degree
18 murder may be sentenced to death if:

19 (1) the murdered individual was a peace officer ~~or~~
20 ~~fireman~~ killed in the course of performing his or her
21 official duties, to prevent the performance of his or her
22 official duties, or in retaliation for performing his or
23 her official duties, and the defendant knew or should have
24 known that the murdered individual was a peace officer ~~or~~
25 ~~fireman~~; or

26 (2) the murdered individual was an employee of an

1 institution or facility of the Department of Corrections,
2 or any similar local correctional agency, killed in the
3 course of performing his or her official duties, to prevent
4 the performance of his or her official duties, or in
5 retaliation for performing his or her official duties, ~~or~~
6 ~~the murdered individual was an inmate at such institution~~
7 ~~or facility and was killed on the grounds thereof, or the~~
8 ~~murdered individual was otherwise present in such~~
9 ~~institution or facility with the knowledge and approval of~~
10 ~~the chief administrative officer thereof; or~~

11 (3) the defendant has been convicted of murdering 3 ~~two~~
12 or more individuals under subsection (a) of this Section or
13 under any law of the United States or of any state which is
14 substantially similar to subsection (a) of this Section
15 regardless of whether the deaths occurred as the result of
16 the same act or of several related or unrelated acts so
17 long as the deaths were the result of either an intent to
18 kill more than one person or of separate acts which the
19 defendant knew would cause death or create a strong
20 probability of death or great bodily harm to the murdered
21 individual or another; or

22 (4) the murdered individual was under 12 years of age
23 and the death resulted from exceptionally brutal or heinous
24 behavior indicative of wanton cruelty; or

25 (5) the defendant committed the murder with intent to
26 prevent the murdered individual from testifying or

1 participating in any criminal investigation or prosecution
2 or giving material assistance to the State in any
3 investigation or prosecution, either against the defendant
4 or another; or the defendant committed the murder because
5 the murdered individual was a witness in any prosecution or
6 gave material assistance to the State in any investigation
7 or prosecution, either against the defendant or another;
8 for purposes of this paragraph (5), "participating in any
9 criminal investigation or prosecution" is intended to
10 include those appearing in the proceedings in any capacity
11 such as trial judges, prosecutors, defense attorneys,
12 investigators, witnesses, or jurors.

13 (c) Aggravating Factors; Natural Life Imprisonment. A
14 defendant who at the time of the commission of the offense has
15 attained the age of 18 or more and who has been found guilty of
16 first degree murder may be sentenced to natural life
17 imprisonment if:

18 (1) the murdered individual was an inmate of an
19 institution or facility of the Department of Corrections,
20 or any similar local correctional agency, and was killed on
21 the grounds thereof, or the murdered individual was
22 otherwise present in such institution or facility with the
23 knowledge and approval of the chief administrative officer
24 thereof; or

25 (2) ~~(4)~~ the murdered individual was killed as a result
26 of the hijacking of an airplane, train, ship, bus or other

1 public conveyance; or

2 (3) ~~(5)~~ the defendant committed the murder pursuant to
3 a contract, agreement or understanding by which he was to
4 receive money or anything of value in return for committing
5 the murder or procured another to commit the murder for
6 money or anything of value; or

7 (4) ~~(6)~~ the murdered individual was killed in the
8 course of another felony if:

9 (a) the murdered individual:

10 (i) was actually killed by the defendant, or

11 (ii) received physical injuries personally
12 inflicted by the defendant substantially
13 contemporaneously with physical injuries caused by
14 one or more persons for whose conduct the defendant
15 is legally accountable under Section 5-2 of this
16 Code, and the physical injuries inflicted by
17 either the defendant or the other person or persons
18 for whose conduct he or she is legally accountable
19 caused the death of the murdered individual; and

20 (b) in performing the acts which caused the death
21 of the murdered individual or which resulted in
22 physical injuries personally inflicted by the
23 defendant on the murdered individual under the
24 circumstances of subdivision (ii) of subparagraph (a)
25 of paragraph (4) ~~(6)~~ of subsection (c) ~~(b)~~ of this
26 Section, the defendant acted with the intent to kill

1 the murdered individual or with the knowledge that his
2 acts created a strong probability of death or great
3 bodily harm to the murdered individual or another; and

4 (c) the other felony was an inherently violent
5 crime or the attempt to commit an inherently violent
6 crime. In this subparagraph (c), "inherently violent
7 crime" includes, but is not limited to, armed robbery,
8 robbery, predatory criminal sexual assault of a child,
9 aggravated criminal sexual assault, aggravated
10 kidnapping, aggravated vehicular hijacking, aggravated
11 arson, aggravated stalking, residential burglary, and
12 home invasion; or

13 ~~(7) the murdered individual was under 12 years of age~~
14 ~~and the death resulted from exceptionally brutal or heinous~~
15 ~~behavior indicative of wanton cruelty; or~~

16 (5) the defendant has been convicted of murdering two
17 individuals under subsection (a) of this Section or under
18 any law of the United States or of any state which is
19 substantially similar to subsection (a) of this Section
20 regardless of whether the deaths occurred as the result of
21 the same act or of several related or unrelated acts so
22 long as the deaths were the result of either an intent to
23 kill more than one person or of separate acts which the
24 defendant knew would cause death or create a strong
25 probability of death or great bodily harm to the murdered
26 individual or another; or

1 ~~(8) the defendant committed the murder with intent to~~
2 ~~prevent the murdered individual from testifying or~~
3 ~~participating in any criminal investigation or prosecution~~
4 ~~or giving material assistance to the State in any~~
5 ~~investigation or prosecution, either against the defendant~~
6 ~~or another; or the defendant committed the murder because~~
7 ~~the murdered individual was a witness in any prosecution or~~
8 ~~gave material assistance to the State in any investigation~~
9 ~~or prosecution, either against the defendant or another;~~
10 ~~for purposes of this paragraph (8), "participating in any~~
11 ~~criminal investigation or prosecution" is intended to~~
12 ~~include those appearing in the proceedings in any capacity~~
13 ~~such as trial judges, prosecutors, defense attorneys,~~
14 ~~investigators, witnesses, or jurors; or~~

15 (6) ~~(9)~~ the defendant, while committing an offense
16 punishable under Sections 401, 401.1, 401.2, 405, 405.2,
17 407 or 407.1 or subsection (b) of Section 404 of the
18 Illinois Controlled Substances Act, or while engaged in a
19 conspiracy or solicitation to commit such offense,
20 intentionally killed an individual or counseled,
21 commanded, induced, procured or caused the intentional
22 killing of the murdered individual; or

23 (7) ~~(10)~~ the defendant was incarcerated in an
24 institution or facility of the Department of Corrections at
25 the time of the murder, and while committing an offense
26 punishable as a felony under Illinois law, or while engaged

1 in a conspiracy or solicitation to commit such offense,
2 intentionally killed an individual or counseled,
3 commanded, induced, procured or caused the intentional
4 killing of the murdered individual; or

5 (8) ~~(11)~~ the murder was committed in a cold, calculated
6 and premeditated manner pursuant to a preconceived plan,
7 scheme or design to take a human life by unlawful means,
8 and the conduct of the defendant created a reasonable
9 expectation that the death of a human being would result
10 therefrom; or

11 (9) ~~(12)~~ the murdered individual was a fireman or an
12 emergency medical technician ~~— ambulance, emergency~~
13 ~~medical technician — intermediate, emergency medical~~
14 ~~technician — paramedic, ambulance driver, or other medical~~
15 ~~assistance or first aid personnel, employed by a~~
16 ~~municipality or other governmental unit,~~ killed in the
17 course of performing his or her official duties, to prevent
18 the performance of his or her official duties, or in
19 retaliation for performing his or her official duties, and
20 the defendant knew or should have known that the murdered
21 individual was a fireman or an emergency medical technician
22 ~~— ambulance, emergency medical technician — intermediate,~~
23 ~~emergency medical technician — paramedic, ambulance~~
24 ~~driver, or other medical assistance or first aid personnel;~~
25 or

26 (10) ~~(13)~~ the defendant was a principal administrator,

1 organizer, or leader of a calculated criminal drug
2 conspiracy consisting of a hierarchical position of
3 authority superior to that of all other members of the
4 conspiracy, and the defendant counseled, commanded,
5 induced, procured, or caused the intentional killing of the
6 murdered person; or

7 (11) ~~(14)~~ the murder was intentional and involved the
8 infliction of torture. For the purpose of this Section
9 torture means the infliction of or subjection to extreme
10 physical pain, motivated by an intent to increase or
11 prolong the pain, suffering or agony of the victim; or

12 (12) ~~(15)~~ the murder was committed as a result of the
13 intentional discharge of a firearm by the defendant from a
14 motor vehicle and the victim was not present within the
15 motor vehicle; or

16 (13) ~~(16)~~ the murdered individual was 60 years of age
17 or older and the death resulted from exceptionally brutal
18 or heinous behavior indicative of wanton cruelty; or

19 (14) ~~(17)~~ the murdered individual was a disabled person
20 and the defendant knew or should have known that the
21 murdered individual was disabled. ~~For purposes of this~~
22 ~~paragraph (17), "disabled person" means a person who~~
23 ~~suffers from a permanent physical or mental impairment~~
24 ~~resulting from disease, an injury, a functional disorder,~~
25 ~~or a congenital condition that renders the person incapable~~
26 ~~of adequately providing for his or her own health or~~

1 ~~personal care; or~~

2 (15) ~~(18)~~ the murder was committed by reason of any
3 person's activity as a community policing volunteer or to
4 prevent any person from engaging in activity as a community
5 policing volunteer; or

6 (16) ~~(19)~~ the murdered individual was subject to an
7 order of protection and the murder was committed by a
8 person against whom the same order of protection was issued
9 under the Illinois Domestic Violence Act of 1986; or

10 (17) ~~(20)~~ the murdered individual was known by the
11 defendant to be a teacher or other person employed in any
12 school and the teacher or other employee is upon the
13 grounds of a school or grounds adjacent to a school, or is
14 in any part of a building used for school purposes; or

15 (18) ~~(21)~~ the murder was committed by the defendant in
16 connection with or as a result of the offense of terrorism
17 as defined in Section 29D-14.9 of this Code; or -

18 (19) ~~(b 5) Aggravating Factor; Natural Life~~
19 ~~Imprisonment. A defendant who has been found guilty of~~
20 ~~first degree murder and who at the time of the commission~~
21 ~~of the offense had attained the age of 18 years or more may~~
22 ~~be sentenced to natural life imprisonment if (i) the~~
23 murdered individual was: (i) a physician, physician
24 assistant, psychologist, nurse, or advanced practice
25 nurse, (ii) a person whom the defendant knew or should have
26 known ~~that the murdered individual~~ was a physician,

1 physician assistant, psychologist, nurse, or advanced
2 practice nurse, and (iii) ~~the murdered individual was~~
3 killed in the course of acting in his or her capacity as a
4 physician, physician assistant, psychologist, nurse, or
5 advanced practice nurse, or to prevent him or her from
6 acting in that capacity, or in retaliation for his or her
7 acting in that capacity.

8 (d) ~~(e)~~ Consideration of factors in Aggravation and
9 Mitigation.

10 The court shall consider, or shall instruct the jury to
11 consider any aggravating and any mitigating factors which are
12 relevant to the imposition of the death penalty. Aggravating
13 factors may include but need not be limited to those factors
14 set forth in subsection (b). Mitigating factors may include but
15 need not be limited to the following:

16 (1) the defendant has no significant history of prior
17 criminal activity;

18 (2) the murder was committed while the defendant was
19 under the influence of extreme mental or emotional
20 disturbance, although not such as to constitute a defense
21 to prosecution;

22 (3) the murdered individual was a participant in the
23 defendant's homicidal conduct or consented to the
24 homicidal act;

25 (4) the defendant acted under the compulsion of threat
26 or menace of the imminent infliction of death or great

1 bodily harm;

2 (5) the defendant was not personally present during
3 commission of the act or acts causing death;

4 (6) the defendant's background includes a history of
5 extreme emotional or physical abuse;

6 (7) the defendant suffers from a reduced mental
7 capacity.

8 (e) ~~(d)~~ Separate sentencing hearing.

9 Where requested by the State, the court shall conduct a
10 separate sentencing proceeding to determine the existence of
11 factors set forth in subsection (b) and to consider any
12 aggravating or mitigating factors as indicated in subsection
13 (c). The proceeding shall be conducted:

14 (1) before the jury that determined the defendant's
15 guilt; or

16 (2) before a jury impanelled for the purpose of the
17 proceeding if:

18 A. the defendant was convicted upon a plea of
19 guilty; or

20 B. the defendant was convicted after a trial before
21 the court sitting without a jury; or

22 C. the court for good cause shown discharges the
23 jury that determined the defendant's guilt; or

24 (3) before the court alone if the defendant waives a
25 jury for the separate proceeding.

26 (f) ~~(e)~~ Evidence and Argument.

1 During the proceeding any information relevant to any of
2 the factors set forth in subsection (b) may be presented by
3 either the State or the defendant under the rules governing the
4 admission of evidence at criminal trials. Any information
5 relevant to any additional aggravating factors or any
6 mitigating factors indicated in subsection (c) may be presented
7 by the State or defendant regardless of its admissibility under
8 the rules governing the admission of evidence at criminal
9 trials. The State and the defendant shall be given fair
10 opportunity to rebut any information received at the hearing.

11 (g) ~~(f)~~ Proof.

12 The burden of proof of establishing the existence of any of
13 the factors set forth in subsection (b) is on the State and
14 shall not be satisfied unless established beyond a reasonable
15 doubt.

16 (h) ~~(g)~~ Procedure - Jury.

17 If at the separate sentencing proceeding the jury finds
18 that none of the factors set forth in subsection (b) exists,
19 the court shall sentence the defendant to a term of
20 imprisonment under Chapter V of the Unified Code of
21 Corrections. If there is a unanimous finding by the jury that
22 one or more of the factors set forth in subsection (b) exist,
23 the jury shall consider aggravating and mitigating factors as
24 instructed by the court and shall determine whether the
25 sentence of death shall be imposed. If the jury determines
26 unanimously, after weighing the factors in aggravation and

1 mitigation, that death is the appropriate sentence, the court
2 shall sentence the defendant to death. If the court does not
3 concur with the jury determination that death is the
4 appropriate sentence, the court shall set forth reasons in
5 writing including what facts or circumstances the court relied
6 upon, along with any relevant documents, that compelled the
7 court to non-concur with the sentence. This document and any
8 attachments shall be part of the record for appellate review.
9 The court shall be bound by the jury's sentencing
10 determination.

11 If after weighing the factors in aggravation and
12 mitigation, one or more jurors determines that death is not the
13 appropriate sentence, the court shall sentence the defendant to
14 a term of imprisonment under Chapter V of the Unified Code of
15 Corrections.

16 (i) ~~(h)~~ Procedure - No Jury.

17 In a proceeding before the court alone, if the court finds
18 that none of the factors found in subsection (b) exists, the
19 court shall sentence the defendant to a term of imprisonment
20 under Chapter V of the Unified Code of Corrections.

21 If the Court determines that one or more of the factors set
22 forth in subsection (b) exists, the Court shall consider any
23 aggravating and mitigating factors as indicated in subsection
24 (c). If the Court determines, after weighing the factors in
25 aggravation and mitigation, that death is the appropriate
26 sentence, the Court shall sentence the defendant to death.

1 If the court finds that death is not the appropriate
2 sentence, the court shall sentence the defendant to a term of
3 imprisonment under Chapter V of the Unified Code of
4 Corrections.

5 (j) ~~(h-5)~~ Decertification as a capital case.

6 In a case in which the defendant has been found guilty of
7 first degree murder by a judge or jury, or a case on remand for
8 resentencing, and the State seeks the death penalty as an
9 appropriate sentence, on the court's own motion or the written
10 motion of the defendant, the court may decertify the case as a
11 death penalty case if the court finds that the only evidence
12 supporting the defendant's conviction is the uncorroborated
13 testimony of an informant witness, as defined in Section 115-21
14 of the Code of Criminal Procedure of 1963, concerning the
15 confession or admission of the defendant or that the sole
16 evidence against the defendant is a single eyewitness or single
17 accomplice without any other corroborating evidence. If the
18 court decertifies the case as a capital case under either of
19 the grounds set forth above, the court shall issue a written
20 finding. The State may pursue its right to appeal the
21 decertification pursuant to Supreme Court Rule 604(a)(1). If
22 the court does not decertify the case as a capital case, the
23 matter shall proceed to the eligibility phase of the sentencing
24 hearing.

25 (k) ~~(i)~~ Appellate Procedure.

26 The conviction and sentence of death shall be subject to

1 automatic review by the Supreme Court. Such review shall be in
2 accordance with rules promulgated by the Supreme Court. The
3 Illinois Supreme Court may overturn the death sentence, and
4 order the imposition of imprisonment under Chapter V of the
5 Unified Code of Corrections if the court finds that the death
6 sentence is fundamentally unjust as applied to the particular
7 case. If the Illinois Supreme Court finds that the death
8 sentence is fundamentally unjust as applied to the particular
9 case, independent of any procedural grounds for relief, the
10 Illinois Supreme Court shall issue a written opinion explaining
11 this finding.

12 (1) ~~(j)~~ Disposition of reversed death sentence.

13 In the event that the death penalty in this Act is held to
14 be unconstitutional by the Supreme Court of the United States
15 or of the State of Illinois, any person convicted of first
16 degree murder shall be sentenced by the court to a term of
17 imprisonment under Chapter V of the Unified Code of
18 Corrections.

19 In the event that any death sentence pursuant to the
20 sentencing provisions of this Section is declared
21 unconstitutional by the Supreme Court of the United States or
22 of the State of Illinois, the court having jurisdiction over a
23 person previously sentenced to death shall cause the defendant
24 to be brought before the court, and the court shall sentence
25 the defendant to a term of imprisonment under Chapter V of the
26 Unified Code of Corrections.

1 (m) ~~(k)~~ Guidelines for seeking the death penalty.

2 The Attorney General and State's Attorneys Association
3 shall consult on voluntary guidelines for procedures governing
4 whether or not to seek the death penalty. The guidelines do not
5 have the force of law and are only advisory in nature.

6 (n) For purposes of paragraph (c)(14), "disabled person"
7 means a person who suffers from a permanent physical or mental
8 impairment resulting from disease, an injury, a functional
9 disorder, or a congenital condition that renders the person
10 incapable of adequately providing for his or her own health or
11 personal care.

12 For purposes of paragraph (c)(9), "emergency medical
13 technician" means an emergency medical technician-ambulance,
14 emergency medical technician-intermediate, emergency medical
15 technician-paramedic, ambulance driver, or other medical
16 assistance or first aid personnel, employed by a municipality
17 or other governmental unit.

18 (Source: P.A. 96-710, eff. 1-1-10; 96-1475, eff. 1-1-11.)

19 Section 10. The Unified Code of Corrections is amended by
20 changing Section 5-8-1 as follows:

21 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

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 (c) ~~(b-5)~~ of Section 9-1 of
13 the 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 or her official duties, or to
7 prevent the peace officer or fireman from
8 performing his or her official duties, or in
9 retaliation for the peace officer, fireman, or
10 emergency management worker from performing his or
11 her official duties, and the defendant knew or
12 should have known that the murdered individual was
13 a peace officer, fireman, or emergency management
14 worker, or

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

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

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

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

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

1 Section 2-3.5 of the Criminal Code of 1961.

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

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

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

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

21 (2) (blank);

22 (2.5) for a person convicted under the circumstances
23 described in paragraph (3) of subsection (b) of Section
24 12-13, paragraph (2) of subsection (d) of Section 12-14,
25 paragraph (1.2) of subsection (b) of Section 12-14.1, or
26 paragraph (2) of subsection (b) of Section 12-14.1 of the

1 Criminal Code of 1961, the sentence shall be a term of
2 natural life imprisonment.

3 (b) (Blank).

4 (c) (Blank).

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

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

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

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

24 (4) for defendants who commit the offense of predatory
25 criminal sexual assault of a child, aggravated criminal
26 sexual assault, or criminal sexual assault, on or after the

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

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

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

17 (e) (Blank).

18 (f) (Blank).

19 (Source: P.A. 95-983, eff. 6-1-09; 95-1052, eff. 7-1-09;
20 96-282, eff. 1-1-10; 96-1000, eff. 7-2-10; 96-1200, eff.
21 7-22-10; 96-1475, eff. 1-1-11; revised 9-16-10.)

22 (725 ILCS 5/119-1 rep.)

23 Section 15. The Code of Criminal Procedure of 1963 is
24 amended by repealing Section 119-1 as added by Public Act
25 96-1543.

1 (P.A. 96-1543, Sec. 15 rep.)

2 Section 20. "An Act concerning criminal law", approved
3 March 9, 2011, Public Act 96-1543, is amended by repealing
4 Section 15.

5 Section 99. Effective date. This Act takes effect July 1,
6 2011.".