

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 or the Criminal Code of 2012 are
23 present, the court may sentence the defendant to a term

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

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

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

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

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

1 technician - paramedic, ambulance driver, or other
2 medical assistant or first aid personnel, or

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

10 (vii) is found guilty of first degree murder
11 and the murder was committed by reason of any
12 person's activity as a community policing
13 volunteer or to prevent any person from engaging in
14 activity as a community policing volunteer. For
15 the purpose of this Section, "community policing
16 volunteer" has the meaning ascribed to it in
17 Section 2-3.5 of the Criminal Code of 2012.

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

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

26 (ii) if, during the commission of the offense,

1 the person personally discharged a firearm, 20
2 years shall be added to the term of imprisonment
3 imposed by the court;

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

11 (2) (blank);

12 (2.5) for a person convicted under the circumstances
13 described in subdivision (b)(1)(B) of Section 11-1.20 or
14 paragraph (3) of subsection (b) of Section 12-13,
15 subdivision (d)(2) of Section 11-1.30 or paragraph (2) of
16 subsection (d) of Section 12-14, subdivision (b)(1.2) of
17 Section 11-1.40 or paragraph (1.2) of subsection (b) of
18 Section 12-14.1, subdivision (b)(2) of Section 11-1.40 or
19 paragraph (2) of subsection (b) of Section 12-14.1 of the
20 Criminal Code of 1961 or the Criminal Code of 2012, the
21 sentence shall be a term of natural life imprisonment.

22 (b) (Blank).

23 (c) (Blank).

24 (d) Subject to earlier termination under Section 3-3-8, the
25 parole or mandatory supervised release term shall be written as
26 part of the sentencing order and shall be as follows:

1 (1) for first degree murder or a Class X felony except
2 for the offenses of predatory criminal sexual assault of a
3 child, aggravated criminal sexual assault, and criminal
4 sexual assault if committed on or after the effective date
5 of this amendatory Act of the 94th General Assembly and
6 except for the offense of aggravated child pornography
7 under Section 11-20.1B, 11-20.3, or 11-20.1 with
8 sentencing under subsection (c-5) of Section 11-20.1 of the
9 Criminal Code of 1961 or the Criminal Code of 2012, if
10 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 or the Criminal Code of 2012, if committed on or
18 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 under Section 11-20.1B, 11-20.3, or 11-20.1
26 with sentencing under subsection (c-5) of Section 11-20.1

1 of the Criminal Code of 1961 or the Criminal Code of 2012,
2 manufacture of child pornography, or dissemination of
3 child pornography after January 1, 2009, the term of
4 mandatory supervised release shall range from a minimum of
5 3 years to a maximum of the natural life of the defendant;

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

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

15 (e) (Blank).

16 (f) (Blank).

17 (g) In People v. Wooters, 188 Ill. 2d 500 (1999), the
18 Illinois Supreme Court declared that Public Act 89-203 violates
19 the single subject rule of the Illinois Constitution (ILCON
20 Art. IV, Sec. 8) by including certain provisions relating to
21 mortgage foreclosure in a bill otherwise relating to crime. It
22 is the purpose of this amendatory Act of the 98th General
23 Assembly to re-enact and modify the provision relating to the
24 imposition of a mandatory term of natural life imprisonment if
25 the defendant is found guilty of murdering an individual under
26 12 years of age. It is also the intent of this amendatory Act

1 to comply with the United States Supreme Court decision of
2 Miller v. Alabama which prohibits mandatory sentences of life
3 imprisonment without parole for murder where the defendant was
4 under 18 years of age at the time of the commission of the
5 offense.

6 (Source: P.A. 96-282, eff. 1-1-10; 96-1000, eff. 7-2-10;
7 96-1200, eff. 7-22-10; 96-1475, eff. 1-1-11; 96-1551, eff.
8 7-1-11; 97-333, eff. 8-12-11; 97-531, eff. 1-1-12; 97-1109,
9 eff. 1-1-13; 97-1150, eff. 1-25-13.)