



Sen. Kirk W. Dillard

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LRB098 07508 RLC 45027 a

1 AMENDMENT TO HOUSE BILL 1929

2 AMENDMENT NO. _____. Amend House Bill 1929 by replacing
3 everything after the enacting clause with the following:

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

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 or the Criminal Code of 2012 are
7 present, the court may sentence the defendant to a term
8 of natural life 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 18 or more and (1) is found guilty of murdering an
17 individual under 12 years of age, or (2) is a
18 ~~person who, at the time of the commission of the~~
19 ~~murder, had attained the age of 17 or more and is~~
20 ~~found guilty of murdering an individual under 12~~
21 ~~years of age; or, irrespective of the defendant's~~
22 ~~age at the time of the commission of the offense,~~
23 is found guilty of murdering more than one victim,
24 or

25 (iii) is found guilty of murdering a peace
26 officer, fireman, or emergency management worker

1 when the peace officer, fireman, or emergency
2 management worker was killed in the course of
3 performing his official duties, or to prevent the
4 peace officer or fireman from performing his
5 official duties, or in retaliation for the peace
6 officer, fireman, or emergency management worker
7 from performing his official duties, and the
8 defendant knew or should have known that the
9 murdered individual was a peace officer, fireman,
10 or emergency management worker, or

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

19 (v) is found guilty of murdering an emergency
20 medical technician - ambulance, emergency medical
21 technician - intermediate, emergency medical
22 technician - paramedic, ambulance driver or other
23 medical assistance or first aid person while
24 employed by a municipality or other governmental
25 unit when the person was killed in the course of
26 performing official duties or to prevent the

1 person from performing official duties or in
2 retaliation for performing official duties and the
3 defendant knew or should have known that the
4 murdered individual was an emergency medical
5 technician - ambulance, emergency medical
6 technician - intermediate, emergency medical
7 technician - paramedic, ambulance driver, or other
8 medical assistant or first aid personnel, or

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

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

24 For purposes of clause (v), "emergency medical
25 technician - ambulance", "emergency medical technician
26 - intermediate", "emergency medical technician -

1 paramedic", have the meanings ascribed to them in the
2 Emergency Medical Services (EMS) Systems Act.

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

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

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

17 (2) (blank);

18 (2.5) for a person convicted under the circumstances
19 described in subdivision (b)(1)(B) of Section 11-1.20 or
20 paragraph (3) of subsection (b) of Section 12-13,
21 subdivision (d)(2) of Section 11-1.30 or paragraph (2) of
22 subsection (d) of Section 12-14, subdivision (b)(1.2) of
23 Section 11-1.40 or paragraph (1.2) of subsection (b) of
24 Section 12-14.1, subdivision (b)(2) of Section 11-1.40 or
25 paragraph (2) of subsection (b) of Section 12-14.1 of the
26 Criminal Code of 1961 or the Criminal Code of 2012, the

1 sentence shall be a term of natural life imprisonment.

2 (b) (Blank).

3 (c) (Blank).

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

7 (1) for first degree murder or a Class X felony except
8 for the offenses of predatory criminal sexual assault of a
9 child, aggravated criminal sexual assault, and criminal
10 sexual assault if committed on or after the effective date
11 of this amendatory Act of the 94th General Assembly and
12 except for the offense of aggravated child pornography
13 under Section 11-20.1B, 11-20.3, or 11-20.1 with
14 sentencing under subsection (c-5) of Section 11-20.1 of the
15 Criminal Code of 1961 or the Criminal Code of 2012, if
16 committed on or after January 1, 2009, 3 years;

17 (2) for a Class 1 felony or a Class 2 felony except for
18 the offense of criminal sexual assault if committed on or
19 after the effective date of this amendatory Act of the 94th
20 General Assembly and except for the offenses of manufacture
21 and dissemination of child pornography under clauses
22 (a)(1) and (a)(2) of Section 11-20.1 of the Criminal Code
23 of 1961 or the Criminal Code of 2012, if committed on or
24 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 under Section 11-20.1B, 11-20.3, or 11-20.1
6 with sentencing under subsection (c-5) of Section 11-20.1
7 of the Criminal Code of 1961 or the Criminal Code of 2012,
8 manufacture of child pornography, or dissemination of
9 child pornography after January 1, 2009, the term of
10 mandatory supervised release shall range from a minimum of
11 3 years to a maximum of the natural life of the defendant;

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

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

21 (e) (Blank).

22 (f) (Blank).

23 (g) In People v. Wooters, 188 Ill. 2d 500 (1999), the
24 Illinois Supreme Court declared that Public Act 89-203 violates
25 the single subject rule of the Illinois Constitution (Article
26 IV, Section 8(d)) by including certain provisions relating to

1 mortgage foreclosure in a bill otherwise relating to crime. It
2 is the purpose of this amendatory Act of the 98th General
3 Assembly to re-enact and modify the provision relating to the
4 imposition of a mandatory term of natural life imprisonment if
5 the defendant is found guilty of murdering an individual under
6 12 years of age. It is also the intent of this amendatory Act
7 to comply with the United States Supreme Court decision of
8 Miller v. Alabama, 132 S.Ct. 2455 (2012), which prohibits
9 mandatory sentences of life imprisonment without parole for
10 murder where the defendant was under 18 years of age at the
11 time of the commission of the offense.

12 (Source: P.A. 96-282, eff. 1-1-10; 96-1000, eff. 7-2-10;
13 96-1200, eff. 7-22-10; 96-1475, eff. 1-1-11; 96-1551, eff.
14 7-1-11; 97-333, eff. 8-12-11; 97-531, eff. 1-1-12; 97-1109,
15 eff. 1-1-13; 97-1150, eff. 1-25-13.)".