



Sen. Kwame Raoul

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1 AMENDMENT TO SENATE BILL 1005

2 AMENDMENT NO. _____. Amend Senate Bill 1005 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 2012 is amended by adding
5 Section 25-7 as follows:

6 (720 ILCS 5/25-7 new)

7 Sec. 25-7. Duty of internet service providers to report
8 information to law enforcement.

9 (a) Upon request of a law enforcement officer who has
10 probable cause to believe that the services of an internet
11 service provider were used to solicit a violation of, conspire
12 to violate, attempt to violate, or otherwise facilitate a
13 violation of, Section 25-1 of this Code, an internet service
14 provider shall provide the identifying information related to
15 e-mail addresses, instant messaging identities, chat room
16 identities, text messaging identities, or other internet

1 communications identities as requested. The identifying
2 information shall include, at a minimum, the name, e-mail
3 address, internet service provider address, and location
4 information (if available) of the person to which the
5 communication identity is registered.

6 (b) Failure to timely provide this information upon request
7 shall be a business offense with a fine of \$1,000.

8 (c) An internet service provider or an employee thereof
9 providing information under this Section is immune from any
10 criminal, civil, or administrative liability in connection
11 with providing the information, except for willful or wanton
12 misconduct.

13 (d) For purposes of this Section, "internet service
14 provider" has the meaning provided in Section 2UU of the
15 Consumer Fraud and Deceptive Business Practices Act.

16 Section 10. The Unified Code of Corrections is amended by
17 changing Section 5-5-3.2 as follows:

18 (730 ILCS 5/5-5-3.2)

19 Sec. 5-5-3.2. Factors in Aggravation and Extended-Term
20 Sentencing.

21 (a) The following factors shall be accorded weight in favor
22 of imposing a term of imprisonment or may be considered by the
23 court as reasons to impose a more severe sentence under Section
24 5-8-1 or Article 4.5 of Chapter V:

1 (1) the defendant's conduct caused or threatened
2 serious harm;

3 (2) the defendant received compensation for committing
4 the offense;

5 (3) the defendant has a history of prior delinquency or
6 criminal activity;

7 (4) the defendant, by the duties of his office or by
8 his position, was obliged to prevent the particular offense
9 committed or to bring the offenders committing it to
10 justice;

11 (5) the defendant held public office at the time of the
12 offense, and the offense related to the conduct of that
13 office;

14 (6) the defendant utilized his professional reputation
15 or position in the community to commit the offense, or to
16 afford him an easier means of committing it;

17 (7) the sentence is necessary to deter others from
18 committing the same crime;

19 (8) the defendant committed the offense against a
20 person 60 years of age or older or such person's property;

21 (9) the defendant committed the offense against a
22 person who is physically handicapped or such person's
23 property;

24 (10) by reason of another individual's actual or
25 perceived race, color, creed, religion, ancestry, gender,
26 sexual orientation, physical or mental disability, or

1 national origin, the defendant committed the offense
2 against (i) the person or property of that individual; (ii)
3 the person or property of a person who has an association
4 with, is married to, or has a friendship with the other
5 individual; or (iii) the person or property of a relative
6 (by blood or marriage) of a person described in clause (i)
7 or (ii). For the purposes of this Section, "sexual
8 orientation" means heterosexuality, homosexuality, or
9 bisexuality;

10 (11) the offense took place in a place of worship or on
11 the grounds of a place of worship, immediately prior to,
12 during or immediately following worship services. For
13 purposes of this subparagraph, "place of worship" shall
14 mean any church, synagogue or other building, structure or
15 place used primarily for religious worship;

16 (12) the defendant was convicted of a felony committed
17 while he was released on bail or his own recognizance
18 pending trial for a prior felony and was convicted of such
19 prior felony, or the defendant was convicted of a felony
20 committed while he was serving a period of probation,
21 conditional discharge, or mandatory supervised release
22 under subsection (d) of Section 5-8-1 for a prior felony;

23 (13) the defendant committed or attempted to commit a
24 felony while he was wearing a bulletproof vest. For the
25 purposes of this paragraph (13), a bulletproof vest is any
26 device which is designed for the purpose of protecting the

1 wearer from bullets, shot or other lethal projectiles;

2 (14) the defendant held a position of trust or
3 supervision such as, but not limited to, family member as
4 defined in Section 11-0.1 of the Criminal Code of 2012,
5 teacher, scout leader, baby sitter, or day care worker, in
6 relation to a victim under 18 years of age, and the
7 defendant committed an offense in violation of Section
8 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,
9 11-14.4 except for an offense that involves keeping a place
10 of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,
11 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15
12 or 12-16 of the Criminal Code of 1961 or the Criminal Code
13 of 2012 against that victim;

14 (15) the defendant committed an offense related to the
15 activities of an organized gang. For the purposes of this
16 factor, "organized gang" has the meaning ascribed to it in
17 Section 10 of the Streetgang Terrorism Omnibus Prevention
18 Act;

19 (16) the defendant committed an offense in violation of
20 one of the following Sections while in a school, regardless
21 of the time of day or time of year; on any conveyance
22 owned, leased, or contracted by a school to transport
23 students to or from school or a school related activity; on
24 the real property of a school; or on a public way within
25 1,000 feet of the real property comprising any school:
26 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,

1 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
2 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
3 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
4 18-2, or 33A-2, or Section 12-3.05 except for subdivision
5 (a)(4) or (g)(1), of the Criminal Code of 1961 or the
6 Criminal Code of 2012;

7 (16.5) the defendant committed an offense in violation
8 of one of the following Sections while in a day care
9 center, regardless of the time of day or time of year; on
10 the real property of a day care center, regardless of the
11 time of day or time of year; or on a public way within
12 1,000 feet of the real property comprising any day care
13 center, regardless of the time of day or time of year:
14 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
15 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
16 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
17 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
18 18-2, or 33A-2, or Section 12-3.05 except for subdivision
19 (a)(4) or (g)(1), of the Criminal Code of 1961 or the
20 Criminal Code of 2012;

21 (17) the defendant committed the offense by reason of
22 any person's activity as a community policing volunteer or
23 to prevent any person from engaging in activity as a
24 community policing volunteer. For the purpose of this
25 Section, "community policing volunteer" has the meaning
26 ascribed to it in Section 2-3.5 of the Criminal Code of

1 2012;

2 (18) the defendant committed the offense in a nursing
3 home or on the real property comprising a nursing home. For
4 the purposes of this paragraph (18), "nursing home" means a
5 skilled nursing or intermediate long term care facility
6 that is subject to license by the Illinois Department of
7 Public Health under the Nursing Home Care Act, the
8 Specialized Mental Health Rehabilitation Act, or the ID/DD
9 Community Care Act;

10 (19) the defendant was a federally licensed firearm
11 dealer and was previously convicted of a violation of
12 subsection (a) of Section 3 of the Firearm Owners
13 Identification Card Act and has now committed either a
14 felony violation of the Firearm Owners Identification Card
15 Act or an act of armed violence while armed with a firearm;

16 (20) the defendant (i) committed the offense of
17 reckless homicide under Section 9-3 of the Criminal Code of
18 1961 or the Criminal Code of 2012 or the offense of driving
19 under the influence of alcohol, other drug or drugs,
20 intoxicating compound or compounds or any combination
21 thereof under Section 11-501 of the Illinois Vehicle Code
22 or a similar provision of a local ordinance and (ii) was
23 operating a motor vehicle in excess of 20 miles per hour
24 over the posted speed limit as provided in Article VI of
25 Chapter 11 of the Illinois Vehicle Code;

26 (21) the defendant (i) committed the offense of

1 reckless driving or aggravated reckless driving under
2 Section 11-503 of the Illinois Vehicle Code and (ii) was
3 operating a motor vehicle in excess of 20 miles per hour
4 over the posted speed limit as provided in Article VI of
5 Chapter 11 of the Illinois Vehicle Code;

6 (22) the defendant committed the offense against a
7 person that the defendant knew, or reasonably should have
8 known, was a member of the Armed Forces of the United
9 States serving on active duty. For purposes of this clause
10 (22), the term "Armed Forces" means any of the Armed Forces
11 of the United States, including a member of any reserve
12 component thereof or National Guard unit called to active
13 duty;

14 (23) the defendant committed the offense against a
15 person who was elderly, disabled, or infirm by taking
16 advantage of a family or fiduciary relationship with the
17 elderly, disabled, or infirm person;

18 (24) the defendant committed any offense under Section
19 11-20.1 of the Criminal Code of 1961 or the Criminal Code
20 of 2012 and possessed 100 or more images;

21 (25) the defendant committed the offense while the
22 defendant or the victim was in a train, bus, or other
23 vehicle used for public transportation;

24 (26) the defendant committed the offense of child
25 pornography or aggravated child pornography, specifically
26 including paragraph (1), (2), (3), (4), (5), or (7) of

1 subsection (a) of Section 11-20.1 of the Criminal Code of
2 1961 or the Criminal Code of 2012 where a child engaged in,
3 solicited for, depicted in, or posed in any act of sexual
4 penetration or bound, fettered, or subject to sadistic,
5 masochistic, or sadomasochistic abuse in a sexual context
6 and specifically including paragraph (1), (2), (3), (4),
7 (5), or (7) of subsection (a) of Section 11-20.1B or
8 Section 11-20.3 of the Criminal Code of 1961 where a child
9 engaged in, solicited for, depicted in, or posed in any act
10 of sexual penetration or bound, fettered, or subject to
11 sadistic, masochistic, or sadomasochistic abuse in a
12 sexual context;

13 (27) the defendant committed the offense of first
14 degree murder, assault, aggravated assault, battery,
15 aggravated battery, robbery, armed robbery, or aggravated
16 robbery against a person who was a veteran and the
17 defendant knew, or reasonably should have known, that the
18 person was a veteran performing duties as a representative
19 of a veterans' organization. For the purposes of this
20 paragraph (27), "veteran" means an Illinois resident who
21 has served as a member of the United States Armed Forces, a
22 member of the Illinois National Guard, or a member of the
23 United States Reserve Forces; and "veterans' organization"
24 means an organization comprised of members of which
25 substantially all are individuals who are veterans or
26 spouses, widows, or widowers of veterans, the primary

1 purpose of which is to promote the welfare of its members
2 and to provide assistance to the general public in such a
3 way as to confer a public benefit; or

4 (28) the defendant committed the offense of assault,
5 aggravated assault, battery, aggravated battery, robbery,
6 armed robbery, or aggravated robbery against a person that
7 the defendant knew or reasonably should have known was a
8 letter carrier or postal worker while that person was
9 performing his or her duties delivering mail for the United
10 States Postal Service.

11 For the purposes of this Section:

12 "School" is defined as a public or private elementary or
13 secondary school, community college, college, or university.

14 "Day care center" means a public or private State certified
15 and licensed day care center as defined in Section 2.09 of the
16 Child Care Act of 1969 that displays a sign in plain view
17 stating that the property is a day care center.

18 "Public transportation" means the transportation or
19 conveyance of persons by means available to the general public,
20 and includes paratransit services.

21 (b) The following factors, related to all felonies, may be
22 considered by the court as reasons to impose an extended term
23 sentence under Section 5-8-2 upon any offender:

24 (1) When a defendant is convicted of any felony, after
25 having been previously convicted in Illinois or any other
26 jurisdiction of the same or similar class felony or greater

1 class felony, when such conviction has occurred within 10
2 years after the previous conviction, excluding time spent
3 in custody, and such charges are separately brought and
4 tried and arise out of different series of acts; or

5 (2) When a defendant is convicted of any felony and the
6 court finds that the offense was accompanied by
7 exceptionally brutal or heinous behavior indicative of
8 wanton cruelty; or

9 (3) When a defendant is convicted of any felony
10 committed against:

11 (i) a person under 12 years of age at the time of
12 the offense or such person's property;

13 (ii) a person 60 years of age or older at the time
14 of the offense or such person's property; or

15 (iii) a person physically handicapped at the time
16 of the offense or such person's property; or

17 (4) When a defendant is convicted of any felony and the
18 offense involved any of the following types of specific
19 misconduct committed as part of a ceremony, rite,
20 initiation, observance, performance, practice or activity
21 of any actual or ostensible religious, fraternal, or social
22 group:

23 (i) the brutalizing or torturing of humans or
24 animals;

25 (ii) the theft of human corpses;

26 (iii) the kidnapping of humans;

1 (iv) the desecration of any cemetery, religious,
2 fraternal, business, governmental, educational, or
3 other building or property; or

4 (v) ritualized abuse of a child; or

5 (5) When a defendant is convicted of a felony other
6 than conspiracy and the court finds that the felony was
7 committed under an agreement with 2 or more other persons
8 to commit that offense and the defendant, with respect to
9 the other individuals, occupied a position of organizer,
10 supervisor, financier, or any other position of management
11 or leadership, and the court further finds that the felony
12 committed was related to or in furtherance of the criminal
13 activities of an organized gang or was motivated by the
14 defendant's leadership in an organized gang; or

15 (6) When a defendant is convicted of an offense
16 committed while using a firearm with a laser sight attached
17 to it. For purposes of this paragraph, "laser sight" has
18 the meaning ascribed to it in Section 26-7 of the Criminal
19 Code of 2012; or

20 (7) When a defendant who was at least 17 years of age
21 at the time of the commission of the offense is convicted
22 of a felony and has been previously adjudicated a
23 delinquent minor under the Juvenile Court Act of 1987 for
24 an act that if committed by an adult would be a Class X or
25 Class 1 felony when the conviction has occurred within 10
26 years after the previous adjudication, excluding time

1 spent in custody; or

2 (8) When a defendant commits any felony and the
3 defendant used, possessed, exercised control over, or
4 otherwise directed an animal to assault a law enforcement
5 officer engaged in the execution of his or her official
6 duties or in furtherance of the criminal activities of an
7 organized gang in which the defendant is engaged.

8 (c) The following factors may be considered by the court as
9 reasons to impose an extended term sentence under Section 5-8-2
10 (730 ILCS 5/5-8-2) upon any offender for the listed offenses:

11 (1) When a defendant is convicted of first degree
12 murder, after having been previously convicted in Illinois
13 of any offense listed under paragraph (c)(2) of Section
14 5-5-3 (730 ILCS 5/5-5-3), when that conviction has occurred
15 within 10 years after the previous conviction, excluding
16 time spent in custody, and the charges are separately
17 brought and tried and arise out of different series of
18 acts.

19 (1.5) When a defendant is convicted of first degree
20 murder, after having been previously convicted of domestic
21 battery (720 ILCS 5/12-3.2) or aggravated domestic battery
22 (720 ILCS 5/12-3.3) committed on the same victim or after
23 having been previously convicted of violation of an order
24 of protection (720 ILCS 5/12-30) in which the same victim
25 was the protected person.

26 (2) When a defendant is convicted of voluntary

1 manslaughter, second degree murder, involuntary
2 manslaughter, or reckless homicide in which the defendant
3 has been convicted of causing the death of more than one
4 individual.

5 (3) When a defendant is convicted of aggravated
6 criminal sexual assault or criminal sexual assault, when
7 there is a finding that aggravated criminal sexual assault
8 or criminal sexual assault was also committed on the same
9 victim by one or more other individuals, and the defendant
10 voluntarily participated in the crime with the knowledge of
11 the participation of the others in the crime, and the
12 commission of the crime was part of a single course of
13 conduct during which there was no substantial change in the
14 nature of the criminal objective.

15 (4) If the victim was under 18 years of age at the time
16 of the commission of the offense, when a defendant is
17 convicted of aggravated criminal sexual assault or
18 predatory criminal sexual assault of a child under
19 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)
20 of Section 12-14.1 of the Criminal Code of 1961 or the
21 Criminal Code of 2012 (720 ILCS 5/11-1.40 or 5/12-14.1).

22 (5) When a defendant is convicted of a felony violation
23 of Section 24-1 of the Criminal Code of 1961 or the
24 Criminal Code of 2012 (720 ILCS 5/24-1) and there is a
25 finding that the defendant is a member of an organized
26 gang.

1 (6) When a defendant was convicted of unlawful use of
2 weapons under Section 24-1 of the Criminal Code of 1961 or
3 the Criminal Code of 2012 (720 ILCS 5/24-1) for possessing
4 a weapon that is not readily distinguishable as one of the
5 weapons enumerated in Section 24-1 of the Criminal Code of
6 1961 or the Criminal Code of 2012 (720 ILCS 5/24-1).

7 (7) When a defendant is convicted of an offense
8 involving the illegal manufacture of a controlled
9 substance under Section 401 of the Illinois Controlled
10 Substances Act (720 ILCS 570/401), the illegal manufacture
11 of methamphetamine under Section 25 of the Methamphetamine
12 Control and Community Protection Act (720 ILCS 646/25), or
13 the illegal possession of explosives and an emergency
14 response officer in the performance of his or her duties is
15 killed or injured at the scene of the offense while
16 responding to the emergency caused by the commission of the
17 offense. In this paragraph, "emergency" means a situation
18 in which a person's life, health, or safety is in jeopardy;
19 and "emergency response officer" means a peace officer,
20 community policing volunteer, fireman, emergency medical
21 technician-ambulance, emergency medical
22 technician-intermediate, emergency medical
23 technician-paramedic, ambulance driver, other medical
24 assistance or first aid personnel, or hospital emergency
25 room personnel.

26 (8) When the defendant is convicted of attempted mob

1 action, solicitation to commit mob action, or conspiracy to
2 commit mob action under Section 8-1, 8-2, or 8-4 of the
3 Criminal Code of 2012, where the criminal object is a
4 violation of Section 25-1 of the Criminal Code of 2012, and
5 an electronic communication is used in the commission of
6 the offense. For the purposes of this paragraph (8),
7 "electronic communication" shall have the meaning provided
8 in Section 26.5-01 of the Criminal Code of 2012.

9 (d) For the purposes of this Section, "organized gang" has
10 the meaning ascribed to it in Section 10 of the Illinois
11 Streetgang Terrorism Omnibus Prevention Act.

12 (e) The court may impose an extended term sentence under
13 Article 4.5 of Chapter V upon an offender who has been
14 convicted of a felony violation of Section 11-1.20, 11-1.30,
15 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or
16 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012
17 when the victim of the offense is under 18 years of age at the
18 time of the commission of the offense and, during the
19 commission of the offense, the victim was under the influence
20 of alcohol, regardless of whether or not the alcohol was
21 supplied by the offender; and the offender, at the time of the
22 commission of the offense, knew or should have known that the
23 victim had consumed alcohol.

24 (Source: P.A. 96-41, eff. 1-1-10; 96-292, eff. 1-1-10; 96-328,
25 eff. 8-11-09; 96-339, eff. 7-1-10; 96-1000, eff. 7-2-10;
26 96-1200, eff. 7-22-10; 96-1228, eff. 1-1-11; 96-1390, eff.

1 1-1-11; 96-1551, Article 1, Section 970, eff. 7-1-11; 96-1551,
2 Article 2, Section 1065, eff. 7-1-11; 97-38, eff. 6-28-11,
3 97-227, eff. 1-1-12; 97-333, eff. 8-12-11; 97-693, eff. 1-1-13;
4 97-1108, eff. 1-1-13; 97-1109, eff. 1-1-13; 97-1150, eff.
5 1-25-13.)".