

**HB6037**



**99TH GENERAL ASSEMBLY**

**State of Illinois**

**2015 and 2016**

**HB6037**

by Rep. Pamela Reaves-Harris

**SYNOPSIS AS INTRODUCED:**

730 ILCS 5/5-5-3.1

from Ch. 38, par. 1005-5-3.1

Amends the Unified Code of Corrections. Provides that the following ground shall be accorded weight in favor of withholding or minimizing a sentence of imprisonment that at the time of the offense, the defendant was suffering from a serious mental illness which, though insufficient to establish the defense of insanity, substantially affected his or her ability to understand the nature of his or her acts or to conform his or her conduct to the requirements of the law. Effective immediately.

LRB099 15400 RLC 39676 b

**A BILL FOR**

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 5-5-3.1 as follows:

6 (730 ILCS 5/5-5-3.1) (from Ch. 38, par. 1005-5-3.1)

7 Sec. 5-5-3.1. Factors in Mitigation.

8 (a) The following grounds shall be accorded weight in favor  
9 of withholding or minimizing a sentence of imprisonment:

10 (1) The defendant's criminal conduct neither caused  
11 nor threatened serious physical harm to another.

12 (2) The defendant did not contemplate that his criminal  
13 conduct would cause or threaten serious physical harm to  
14 another.

15 (3) The defendant acted under a strong provocation.

16 (4) There were substantial grounds tending to excuse or  
17 justify the defendant's criminal conduct, though failing  
18 to establish a defense.

19 (5) The defendant's criminal conduct was induced or  
20 facilitated by someone other than the defendant.

21 (6) The defendant has compensated or will compensate  
22 the victim of his criminal conduct for the damage or injury  
23 that he sustained.

1           (7) The defendant has no history of prior delinquency  
2 or criminal activity or has led a law-abiding life for a  
3 substantial period of time before the commission of the  
4 present crime.

5           (8) The defendant's criminal conduct was the result of  
6 circumstances unlikely to recur.

7           (9) The character and attitudes of the defendant  
8 indicate that he is unlikely to commit another crime.

9           (10) The defendant is particularly likely to comply  
10 with the terms of a period of probation.

11           (11) The imprisonment of the defendant would entail  
12 excessive hardship to his dependents.

13           (12) The imprisonment of the defendant would endanger  
14 his or her medical condition.

15           (13) The defendant was a person with an intellectual  
16 disability as defined in Section 5-1-13 of this Code.

17           (14) The defendant sought or obtained emergency  
18 medical assistance for an overdose and was convicted of a  
19 Class 3 felony or higher possession, manufacture, or  
20 delivery of a controlled, counterfeit, or look-alike  
21 substance or a controlled substance analog under the  
22 Illinois Controlled Substances Act or a Class 2 felony or  
23 higher possession, manufacture or delivery of  
24 methamphetamine under the Methamphetamine Control and  
25 Community Protection Act.

26           (15) At the time of the offense, the defendant is or

1 had been the victim of domestic violence and the effects of  
2 the domestic violence tended to excuse or justify the  
3 defendant's criminal conduct. As used in this paragraph  
4 (15), "domestic violence" means abuse as defined in Section  
5 103 of the Illinois Domestic Violence Act of 1986.

6 (16) At the time of the offense, the defendant was  
7 suffering from a serious mental illness which, though  
8 insufficient to establish the defense of insanity,  
9 substantially affected his or her ability to understand the  
10 nature of his or her acts or to conform his or her conduct  
11 to the requirements of the law.

12 (b) If the court, having due regard for the character of  
13 the offender, the nature and circumstances of the offense and  
14 the public interest finds that a sentence of imprisonment is  
15 the most appropriate disposition of the offender, or where  
16 other provisions of this Code mandate the imprisonment of the  
17 offender, the grounds listed in paragraph (a) of this  
18 subsection shall be considered as factors in mitigation of the  
19 term imposed.

20 (Source: P.A. 98-463, eff. 8-16-13; 99-143, eff. 7-27-15;  
21 99-384, eff. 1-1-16; revised 10-16-15.)

22 Section 99. Effective date. This Act takes effect upon  
23 becoming law.