



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB6622

by Rep. Barbara Flynn Currie

SYNOPSIS AS INTRODUCED:

730 ILCS 5/5-4.5-20	
730 ILCS 5/5-4.5-25	
730 ILCS 5/5-4.5-30	
730 ILCS 5/5-4.5-110 new	
730 ILCS 5/5-8-1	from Ch. 38, par. 1005-8-1
735 ILCS 5/3-104	from Ch. 110, par. 3-104

Amends the Unified Code of Corrections. Provides that a person who was under 25 years of age at the time of the commission of an offense, after serving 15 years or more of his or her sentence of either natural life imprisonment or a term or cumulative term of 20 years or more of imprisonment, may file a petition for sentencing review in the circuit court of the county in which he or she was originally sentenced. Provides that following the hearing, the court may affirm or reduce the petitioner's sentence, subject to certain restrictions related to the filing of a second petition. Establishes factors that the court must consider in granting or denying the petition. Provides that an offender who has petitioned the circuit court for sentencing review shall not be eligible to submit a second petition until at least 10 years have elapsed since the date on which the circuit court received and filed the initial petition. Provides that the order following a sentencing review hearing is a final judgment. Creates similar provisions that apply retroactively to persons sentenced before the effective date of the bill. Creates the Youthful Offender Parole Board which shall be the paroling authority for offenders re-sentenced under these provisions. Amends the Code of Civil Procedure. Provides that jurisdiction to review an en banc determination by the Youthful Offender Parole Board is vested in the Appellate Court of the judicial district which encompasses the county in which the appellant was originally sentenced.

LRB099 23821 SLF 51339 b

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 Sections 5-4.5-20, 5-4.5-25, 5-4.5-30, and 5-8-1 by
6 adding Section 5-4.5-110 as follows:

7 (730 ILCS 5/5-4.5-20)

8 Sec. 5-4.5-20. FIRST DEGREE MURDER; SENTENCE. For first
9 degree murder:

10 (a) TERM. The defendant shall be sentenced to imprisonment
11 or, if appropriate, death under Section 9-1 of the Criminal
12 Code of 1961 or the Criminal Code of 2012 (720 ILCS 5/9-1).
13 Imprisonment shall be for a determinate term, subject to
14 Section 5-4.5-110 of this Code, of (1) not less than 20 years
15 and not more than 60 years; (2) not less than 60 years and not
16 more than 100 years when an extended term is imposed under
17 Section 5-8-2 (730 ILCS 5/5-8-2); or (3) natural life as
18 provided in Section 5-8-1 (730 ILCS 5/5-8-1).

19 (b) PERIODIC IMPRISONMENT. A term of periodic imprisonment
20 shall not be imposed.

21 (c) IMPACT INCARCERATION. The impact incarceration program
22 or the county impact incarceration program is not an authorized
23 disposition.

1 (d) PROBATION; CONDITIONAL DISCHARGE. A period of
2 probation or conditional discharge shall not be imposed.

3 (e) FINE. Fines may be imposed as provided in Section
4 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

5 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
6 concerning restitution.

7 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
8 be concurrent or consecutive as provided in Section 5-8-4 (730
9 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

10 (h) DRUG COURT. Drug court is not an authorized
11 disposition.

12 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
13 ILCS 5/5-4.5-100) concerning no credit for time spent in home
14 detention prior to judgment.

15 (j) SENTENCE CREDIT. See Section 3-6-3 (730 ILCS 5/3-6-3)
16 for rules and regulations for sentence credit.

17 (k) ELECTRONIC HOME DETENTION. Electronic home detention
18 is not an authorized disposition, except in limited
19 circumstances as provided in Section 5-8A-3 (730 ILCS
20 5/5-8A-3).

21 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
22 provided in Section 3-3-8 (730 ILCS 5/3-3-8), the parole or
23 mandatory supervised release term shall be 3 years upon release
24 from imprisonment.

25 (Source: P.A. 97-697, eff. 6-22-12; 97-1150, eff. 1-25-13.)

1 (730 ILCS 5/5-4.5-25)

2 Sec. 5-4.5-25. CLASS X FELONIES; SENTENCE. For a Class X
3 felony:

4 (a) TERM. The sentence of imprisonment shall be a
5 determinate sentence, subject to Section 5-4.5-110 of this
6 Code, of not less than 6 years and not more than 30 years. The
7 sentence of imprisonment for an extended term Class X felony,
8 as provided in Section 5-8-2 (730 ILCS 5/5-8-2), subject to
9 Section 5-4.5-110 of this Code, shall be not less than 30 years
10 and not more than 60 years.

11 (b) PERIODIC IMPRISONMENT. A term of periodic imprisonment
12 shall not be imposed.

13 (c) IMPACT INCARCERATION. The impact incarceration program
14 or the county impact incarceration program is not an authorized
15 disposition.

16 (d) PROBATION; CONDITIONAL DISCHARGE. A period of
17 probation or conditional discharge shall not be imposed.

18 (e) FINE. Fines may be imposed as provided in Section
19 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

20 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
21 concerning restitution.

22 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
23 be concurrent or consecutive as provided in Section 5-8-4 (730
24 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

25 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
26 Act (730 ILCS 166/20) concerning eligibility for a drug court

1 program.

2 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
3 ILCS 5/5-4.5-100) concerning no credit for time spent in home
4 detention prior to judgment.

5 (j) SENTENCE CREDIT. See Section 3-6-3 (730 ILCS 5/3-6-3)
6 for rules and regulations for sentence credit.

7 (k) ELECTRONIC HOME DETENTION. See Section 5-8A-3 (730 ILCS
8 5/5-8A-3) concerning eligibility for electronic home
9 detention.

10 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
11 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or
12 5/5-8-1), the parole or mandatory supervised release term shall
13 be 3 years upon release from imprisonment.

14 (Source: P.A. 97-697, eff. 6-22-12.)

15 (730 ILCS 5/5-4.5-30)

16 Sec. 5-4.5-30. CLASS 1 FELONIES; SENTENCE. For a Class 1
17 felony:

18 (a) TERM. The sentence of imprisonment, other than for
19 second degree murder, shall be a determinate sentence of not
20 less than 4 years and not more than 15 years. The sentence of
21 imprisonment for second degree murder shall be a determinate
22 sentence of not less than 4 years and not more than 20 years.
23 The sentence of imprisonment for an extended term Class 1
24 felony, as provided in Section 5-8-2 (730 ILCS 5/5-8-2),
25 subject to Section 5-4.5-110 of this Code, shall be a term not

1 less than 15 years and not more than 30 years.

2 (b) PERIODIC IMPRISONMENT. A sentence of periodic
3 imprisonment shall be for a definite term of from 3 to 4 years,
4 except as otherwise provided in Section 5-5-3 or 5-7-1 (730
5 ILCS 5/5-5-3 or 5/5-7-1).

6 (c) IMPACT INCARCERATION. See Sections 5-8-1.1 and 5-8-1.2
7 (730 ILCS 5/5-8-1.1 and 5/5-8-1.2) concerning eligibility for
8 the impact incarceration program or the county impact
9 incarceration program.

10 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
11 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the
12 period of probation or conditional discharge shall not exceed 4
13 years. The court shall specify the conditions of probation or
14 conditional discharge as set forth in Section 5-6-3 (730 ILCS
15 5/5-6-3). In no case shall an offender be eligible for a
16 disposition of probation or conditional discharge for a Class 1
17 felony committed while he or she was serving a term of
18 probation or conditional discharge for a felony.

19 (e) FINE. Fines may be imposed as provided in Section
20 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

21 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
22 concerning restitution.

23 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
24 be concurrent or consecutive as provided in Section 5-8-4 (730
25 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

26 (h) DRUG COURT. See Section 20 of the Drug Court Treatment

1 Act (730 ILCS 166/20) concerning eligibility for a drug court
2 program.

3 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
4 ILCS 5/5-4.5-100) concerning credit for time spent in home
5 detention prior to judgment.

6 (j) SENTENCE CREDIT. See Section 3-6-3 of this Code (730
7 ILCS 5/3-6-3) or the County Jail Good Behavior Allowance Act
8 (730 ILCS 130/) for rules and regulations for sentence credit.

9 (k) ELECTRONIC HOME DETENTION. See Section 5-8A-3 (730 ILCS
10 5/5-8A-3) concerning eligibility for electronic home
11 detention.

12 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
13 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or
14 5/5-8-1), the parole or mandatory supervised release term shall
15 be 2 years upon release from imprisonment.

16 (Source: P.A. 97-697, eff. 6-22-12.)

17 (730 ILCS 5/5-4.5-110 new)

18 Sec. 5-4.5-110. Sentencing review of persons under the age
19 of 25 at the time of the commission of an offense; Youthful
20 Offender Parole Board.

21 (a) Except for those persons sentenced under subsection (c)
22 of Section 5-4.5-105, subparagraph (c) of paragraph (1) of
23 subsection (a) of Section 5-8-1, or paragraph (2.5) of
24 subsection (a) of Section 5-8-1 of this Code, any person under
25 25 years of age at the time of the commission of an offense or

1 offenses on or after the effective date of this amendatory Act
2 of the 99th General Assembly, who is serving a term of
3 imprisonment greater than the statutorily authorized
4 disposition for each base class offense, may file a petition
5 for sentencing review in the circuit court of the county in
6 which he or she was originally sentenced after serving 15 years
7 or more of his or her sentence of either natural life
8 imprisonment or a term or cumulative term of 20 years or more
9 of imprisonment. The procedure for sentencing review shall
10 occur in the following manner:

11 (1) The chief judge of the criminal division of the
12 circuit court located in a county of 2,000,000 or more
13 inhabitants, or in counties under 2,000,000 inhabitants,
14 the chief judge of the circuit or a judge assigned by the
15 chief judge, in which the petition is filed, shall assign
16 the matter to any judge.

17 (2) Upon receipt of the petition and assignment to a
18 judge, the judge shall docket the petition. If the
19 petitioner is without counsel and alleges in the petition
20 for sentencing review that he or she is without means to
21 procure counsel, he or she shall state whether or not he or
22 she wishes counsel to be appointed to represent him or her.
23 If appointment of counsel is requested, the court shall
24 appoint counsel if satisfied that the petitioner has no
25 means to procure counsel. The clerk of the circuit court
26 shall serve a copy of the petition on the State's Attorney

1 of that county or his or her representative.

2 (3) Upon receipt of the petition for sentencing review,
3 the office of the State's Attorney shall provide the victim
4 or family of the victim, with a copy of the petition.

5 (4) The petitioner, if pro se, or his or her attorney
6 may amend the petition for sentencing review.

7 (5) The State's Attorney must be afforded an
8 opportunity to respond to the petition and the court shall
9 provide the petitioner with the opportunity to reply.

10 (6) Within 90 days after the filing of the petition for
11 sentencing review, the court shall set the matter for a
12 hearing. This date may be extended by motion of either
13 party and at the court's discretion for good cause shown.

14 (7) At the sentencing review hearing, the court shall:

15 (A) consider in mitigation the factors listed in
16 paragraphs (1) through (9) of subsection (a) of Section
17 5-4.5-105 of this Code;

18 (B) consider the evidence, if any, received at the
19 trial;

20 (C) consider any presentence reports;

21 (D) consider the financial impact of incarceration
22 based on the financial impact statement filed with the
23 clerk of the court by the Department of Corrections;

24 (E) consider any additional evidence and
25 information offered by the parties in aggravation and
26 mitigation, including, but not limited to, scientific

1 evidence of recidivism;

2 (F) consider the petitioner's overall record of
3 behavior while incarcerated, including disciplinary
4 history, and participation in educational, vocational,
5 and life skills programs, including, but not limited
6 to, restorative justice programs, and extent of
7 cooperation with staff;

8 (G) consider the petitioner's acceptance of
9 responsibility for the crime or expressions of
10 remorse, or both; however, nothing in this
11 subparagraph (G) shall be construed against a
12 petitioner who avers a good faith claim of innocence;

13 (H) hear arguments as to sentencing alternatives;

14 (I) afford the petitioner the opportunity to make a
15 statement in his or her own behalf; and

16 (J) afford the victim or families of victims of the
17 crime, or both, for which the petitioner was originally
18 sentenced an opportunity to provide a victim impact
19 statement to the court. The court shall permit those
20 statements and may consider the live testimony of a
21 victim or a victim representative at its discretion.

22 (8) Following the hearing, the court may affirm or
23 reduce the petitioner's sentence to any appropriate
24 disposition for each base offense, and the court may, in
25 its discretion, decline to impose any sentencing
26 enhancements on the petitioner based upon the possession or

1 use of a firearm during the commission of the offense,
2 subject to paragraph (9) of this Section.

3 (9) Notwithstanding any provision of this Section to
4 the contrary, any offender who has petitioned the circuit
5 court for sentencing review under this Section shall not be
6 eligible to submit a second petition under this Section
7 until at least 10 years have elapsed since the date on
8 which the initial petition was filed in the circuit court.
9 In considering the second petition, the court shall follow
10 the procedure stated in paragraphs (1) through (7) of this
11 subsection (a). Following a hearing on the second petition
12 under this paragraph (9), the court may affirm or reduce
13 the petitioner's sentence to any appropriate disposition
14 for each base offense, and the court may, in its
15 discretion, decline to impose any sentencing enhancements
16 on the petitioner based upon the possession or use of a
17 firearm during the commission of the offense. The order
18 following a hearing under this paragraph is a final
19 judgment. The clerk of the court shall follow all
20 applicable duties under subsection (e) of Section 5-4-1 of
21 this Code.

22 (10) If following entry of an order on a second
23 petition under paragraph (9) of this subsection or
24 subparagraph (A) of paragraph (3) of subsection (b) of this
25 Section, the person is serving a sentence of either natural
26 life imprisonment or a term or cumulative term of 35 years

1 or more of imprisonment, the person shall have one parole
2 hearing under this Section, 10 years after the receipt and
3 filing of the second petition. After a circuit court judge
4 enters the order following a hearing under paragraph (9) of
5 this Section, and if the person is serving a sentence of
6 either natural life imprisonment or a term or cumulative
7 term of 35 years or more of imprisonment, the clerk of the
8 court shall notify the person, his or her attorney, the
9 State's Attorney of the county in which the person was
10 originally sentenced, the Department of Corrections, the
11 victim or family of the victim of the crime if possible,
12 the Youthful Offender Parole Board, and if in a county of
13 2,000,000 or more inhabitants the chief judge of the
14 criminal division of the circuit, or if in a county under
15 2,000,000 inhabitants, the chief judge of the circuit court
16 or a judge assigned by the chief judge, that the person
17 shall be eligible for parole consideration as set forth in
18 this Section.

19 (11) For those persons under 25 years of age at the
20 time of the commission of an offense or offenses sentenced
21 under subsection (c) of Section 5-4.5-105, subparagraph
22 (c) of paragraph (1) of subsection (a) of Section 5-8-1, or
23 paragraph (2.5) of subsection (a) of Section 5-8-1 of this
24 Code on or after the effective date of this amendatory Act
25 of the 99th General Assembly, shall have one parole hearing
26 under this Section 35 years after the entry of the

1 sentence.

2 (12) Six years prior to an eligible person's parole
3 hearing, the Department of Corrections shall conduct a
4 written assessment of the needs of the eligible person and
5 identify programming and services that would be
6 appropriate to prepare the offender for return to the
7 community. Five years prior to an eligible person's parole
8 hearing, the Youthful Offender Parole Board and a
9 representative from the Department of Corrections, shall
10 meet with the eligible person. At this meeting the
11 representative from the Department of Corrections shall
12 provide the eligible person and the Youthful Offender
13 Parole Board member a copy of the written assessment and
14 the programming that the eligible person may participate in
15 order to prepare for return to the community. The
16 Department of Corrections shall make the programming
17 available to the eligible person as identified by the
18 assessment. During this meeting with the eligible person,
19 the Youthful Offender Parole Board member shall provide the
20 inmate information about the parole hearing process, legal
21 factors relevant to his or her suitability or unsuitability
22 for parole, and personalized recommendations for the
23 inmate regarding his or her work assignments,
24 rehabilitative programs, and institutional behavior.
25 Following this meeting, the eligible person has 7 calendar
26 days to file a written request to the representative from

1 the Department of Corrections who met with the eligible
2 person of any additional programs and services which the
3 eligible person believes should be included in the
4 assessment to prepare the eligible person for return to the
5 community. Within 30 days following the meeting, the Board
6 shall issue its recommendations to the inmate in writing
7 regarding the programs and services within the Department
8 of Corrections in which the eligible person should
9 participate in order to prepare for his or her return to
10 the community.

11 (13) One year prior to the person being eligible for
12 parole, counsel shall be appointed from the county in which
13 he or she was originally sentenced. If appointed counsel
14 has a good faith belief that the person is not indigent,
15 counsel can file a motion before the parole board seeking
16 withdrawal. If withdrawal is granted, the person retains
17 the right to counsel in future proceedings under this
18 Section.

19 (14) Nine months prior to the hearing, the Youthful
20 Offender Parole Board shall provide the eligible person,
21 and his or her counsel, any written documents or materials
22 it will be considering in making its decision. The Youthful
23 Offender Parole Board shall have an ongoing duty to provide
24 the eligible person, and his or her counsel, with any
25 further documents or materials that comes into its
26 possession prior to the hearing.

1 (15) Nine months before the hearing, the Youthful
2 Offender Parole Board shall provide notification to the
3 victim or family of the victim, of the scheduled hearing
4 date. The Youthful Offender Parole Board also shall advise
5 the victim or family of the victim of the offense, of their
6 rights under Section 8.1 of Article I of the Illinois
7 Constitution and the laws of this State. The Youthful
8 Offender Parole Board shall afford the victim or families
9 of victims of the crime, or both, for which the petitioner
10 was originally sentenced an opportunity to provide a victim
11 impact statement at the parole hearing. The Youthful
12 Offender Parole Board shall permit those statements and may
13 consider the live testimony of a victim or a victim
14 representative at its discretion.

15 (16) The eligible person has a right to be physically
16 present at the Youthful Offender Parole Board hearing. Any
17 form of electronic or video transmission does not
18 constitute physical presence. At the hearing, the eligible
19 person shall have the right to make a statement on his or
20 her own behalf. The eligible person shall have his or her
21 constitutional right to remain silent.

22 (17) The eligible person and his or her counsel have a
23 right to present written documents and oral testimony at
24 the Youthful Offender Parole Board hearing. If a
25 psychological evaluation is submitted for the Youthful
26 Offender Parole Board's consideration, it shall be

1 prepared by a person who has expertise in adolescent brain
2 development and behavior, and shall take into
3 consideration the diminished culpability of youthful
4 offenders, the hallmark features of youth, and any
5 subsequent growth and increased maturity of the person. The
6 eligible person and his or her counsel shall also have the
7 right to cross-examine any witnesses appearing in
8 opposition to the eligible person's release.

9 (18) The Youthful Offender Parole Board hearing shall
10 be conducted by 3 members of the Youthful Offender Parole
11 Board. At least one of the 3 members hearing the matter
12 shall be a formerly incarcerated person.

13 (19) Only upon motion for good cause shown of the
14 eligible person, or his or her attorney, shall the date for
15 the Youthful Offender Parole Board hearing, as set by
16 paragraphs (10) or (11), be changed. All hearings shall be
17 open to the public, and shall be transcribed as provided
18 for under the Court Reporters Act and the Court Reporter
19 Transcript Act.

20 (20) It is presumed that the eligible person shall be
21 released on parole after the Youthful Offender Parole Board
22 hearing is conducted unless the 3-person panel unanimously
23 finds by clear and convincing evidence that continued
24 incarceration is required to protect the public from
25 significant danger of harm posed by the eligible person. In
26 making its determination of whether the presumption is

1 overcome, the 3-person panel must consider the diminished
2 culpability of youthful offenders, the hallmark features
3 of youth, and any subsequent growth and maturity of the
4 youthful offender during incarceration.

5 (21) Unless denied parole under paragraph (20) of this
6 subsection, the eligible person shall be released on parole
7 which shall operate to discharge the remaining term of
8 years or natural life sentence imposed upon him or her,
9 notwithstanding any required mandatory supervised release
10 period the eligible person is required to serve.

11 (22) If the Youthful Offender Parole Board denies
12 parole after conducting the hearing under paragraph (20) of
13 this subsection (a), it shall issue a written decision
14 denying the parole and provide that decision to the
15 eligible person and his or her counsel.

16 (23) If the eligible person wishes to challenge the
17 denial of parole, the eligible person shall submit a
18 written request for an en banc review of the Youthful
19 Offender Parole Board's decision under paragraph (22) of
20 this Section. The en banc review shall be conducted by 6
21 members of the Youthful Offender Parole Board and shall
22 consist of at least 2 persons who are formally
23 incarcerated, except that any board member who
24 participated in the decision from which the challenge is
25 being taken may not participate in the review. Only in the
26 event of a conflict of interest, illness, or medical

1 emergency, may a member of the en banc panel excuse himself
2 or herself. The review must take place within 60 days of
3 the receipt of the written request. If after review the en
4 banc panel unanimously agrees with the determination
5 denying parole under paragraph (22) of this Section, the
6 Youthful Offender Parole Board must provide written
7 notification of its decision to the eligible person and his
8 or her attorney. This written notification from the en banc
9 panel constitutes a final determination.

10 (24) An appeal may be taken from a final determination
11 of the Youthful Offender Parole Board.

12 (A) The appeal process is initiated by filing a
13 notice of appeal within 35 days after the date that the
14 eligible person or his or her attorney receives written
15 notice of the final determination of the en banc panel
16 of the Youthful Offender Parole Board. The failure to
17 file a notice of appeal within the aforementioned time
18 limit shall constitute a waiver of the right of appeal
19 by the eligible person.

20 (B) A notice of appeal must be filed in the clerk's
21 office of the Appellate Court of the judicial district
22 which encompasses the county in which the appellant was
23 originally sentenced.

24 (C) The notice of appeal shall state the name and
25 inmate identification number of the eligible person;
26 the date of the hearing before the Youthful Offender

1 Parole Board and the date of the final determination by
2 the en banc panel; and the inmate's present place of
3 incarceration.

4 (D) Proceedings on the appeal shall be governed by
5 Illinois Supreme Court Rule 335 and Section 3-113 of
6 the Code of Civil Procedure. If the eligible person is
7 indigent, the State Appellate Defender shall represent
8 the indigent person on appeal. If appointed counsel has
9 a good faith belief that the person is not indigent,
10 counsel can file a motion in the appellate court
11 seeking withdrawal. If withdrawal is granted, the
12 person retains the right to counsel in future
13 proceedings under this Section.

14 (b) Except for those individuals sentenced prior to
15 February 1, 1978, and who are eligible for parole release by
16 the Prisoner Review Board at the time of the effective date of
17 this amendatory Act of the 99th General Assembly, this
18 subsection shall operate retroactively to any person
19 incarcerated for a offense or offenses committed before the
20 effective date of this amendatory Act of the 99th General
21 Assembly when he or she was under the age of 25 years and
22 servng natural life imprisonment or a term or cumulative term
23 of 20 years or more of imprisonment.

24 (1) Any person serving a term or cumulative term of 20
25 to 25 years, who is serving a term of imprisonment greater
26 than the statutorily authorized disposition for each base

1 class offense, is entitled to a single judicial sentencing
2 review under paragraphs (1) through (8) of subsection (a)
3 of this Section, after having served 15 years of
4 imprisonment.

5 (2) Any person serving a term or cumulative term of
6 more than 25 years, but not more than 35 years, who is
7 serving a term of imprisonment greater than the statutorily
8 authorized disposition for each base class offense, is
9 entitled to sentencing review under this Section; however
10 any person eligible under this paragraph (2), having
11 already served more than 25 years at the time of the
12 effective date of this amendatory Act of the 99th General
13 Assembly, is only entitled to a single judicial sentencing
14 review under paragraphs (1) through (8) of subsection (a)
15 of this Section.

16 (3) Any person serving a term or cumulative term of
17 more than 35 years is entitled to sentencing review as
18 provided by this Section.

19 (A) Any person eligible under this paragraph (3),
20 having already served more than 15, but less than 25
21 years at the time of the effective date of this
22 amendatory Act of the 99th General Assembly, who is
23 serving a term of imprisonment greater than the
24 statutorily authorized disposition for each base class
25 offense, is entitled to review as provided for in this
26 Section. The first sentencing review shall be

1 commenced upon the filing of a petition and considered
2 under paragraphs (1) through (8) of subsection (a) of
3 this Section. Any offender who has petitioned the
4 circuit court for sentencing review under this
5 paragraph (3) shall be eligible to submit a second
6 petition under this Section when the eligible person
7 has served 25 years of imprisonment. In considering the
8 second petition, the court shall follow the procedure
9 stated in paragraphs (1) through (7) of subsection (a)
10 of this Section. Following a hearing on the second
11 petition under this subparagraph (A), the court may
12 affirm or reduce the petitioner's sentence to any
13 appropriate disposition for each base offense, and the
14 court may, in its discretion, decline to impose any
15 sentencing enhancements on the petitioner based upon
16 the possession or use of a firearm during the
17 commission of the offense. The order following a
18 hearing under this paragraph is a final judgment. The
19 clerk of the court shall follow all applicable duties
20 under subsection (e) of Section 5-4-1 of this Code.

21 (B) Any person eligible under this paragraph (3),
22 having already served more than 25, but less than 35
23 years at the time of the effective date of this
24 amendatory Act of the 99th General Assembly, who is
25 -serving a term of imprisonment greater than the
26 statutorily authorized disposition for each base class

1 offense, is entitled to a single judicial sentencing
2 review under paragraphs (1) through (8) of subsection
3 (a) of this Section. If following a hearing for those
4 eligible under this subparagraph, the person is
5 servng a sentence of either natural life imprisonment
6 or a term or cumulative term of 35 years or more of
7 imprisonment, the person shall have one parole hearing
8 before the Youthful Offender Parole Board under this
9 Section, after 10 years from the initiation of the
10 judicial sentencing review. After a circuit court
11 judge enters the order following a hearing under this
12 subparagraph, and if the person is still serving a
13 sentence of either natural life imprisonment or a term
14 or cumulative term of 35 years or more of imprisonment,
15 the clerk of the court shall notify the person, his or
16 her attorney, the State's Attorney from the county in
17 which the person was originally sentenced, the
18 Department of Corrections, the victim or family of the
19 victim of the crime as possible, the Youthful Offender
20 Parole Board, and if in a county of 2,000,000 or more
21 inhabitants the chief judge of the criminal division of
22 the circuit, or if in a county under 2,000,000
23 inhabitants, the chief judge of the circuit or a judge
24 assigned by the chief judge, that the person shall be
25 eligible for parole consideration as set forth by this
26 Section.

1 (C) Any person eligible under this paragraph (3),
2 having already served more than 35 years at the time of
3 the effective date of this amendatory Act of the 99th
4 General Assembly, is entitled to elect a single
5 judicial sentencing review if that person is serving a
6 term of imprisonment greater than the statutorily
7 authorized disposition for each base class offense,
8 followed by a release determination by the Youthful
9 Offender Parole Board 10 years from the initiation of
10 the judicial sentencing review if the person is still
11 subject to incarceration at that time, or immediate
12 consideration by the Youthful Offender Parole Board.

13 (i) If the person elects to receive a judicial
14 sentencing review, the matter shall proceed under
15 paragraphs (1) through (7) of subsection (a) of
16 this Section. Following a hearing for those
17 eligible under this subparagraph (C) who make this
18 election, if the person is serving a sentence of
19 either natural life imprisonment or a term or
20 cumulative term of 35 years or more of
21 imprisonment, the person shall have a Youthful
22 Offender Parole Board hearing under this Section,
23 after 10 years from the initiation of the judicial
24 sentencing review. After a circuit court judge
25 enters the order following a hearing under this
26 subparagraph, and if the person is still serving a

1 sentence of either natural life imprisonment or a
2 term or cumulative term of 35 years or more of
3 imprisonment, the clerk of the court shall notify
4 the person, his or her attorney, the State's
5 Attorney from the county in which the person was
6 originally sentenced, the Department of
7 Corrections, the victim or family of the victim of
8 the crime as possible, the Youthful Offender
9 Parole Board, and if in a county of 2,000,000 or
10 more inhabitants the chief judge of the criminal
11 division of the circuit, or if in a county under
12 2,000,000 inhabitants, the chief judge of the
13 circuit or a judge assigned by the chief judge,
14 that the person shall be eligible for parole
15 consideration as set forth by this Section.

16 (ii) If the person elects for consideration by
17 the Youthful Offender Parole Board, the matter
18 shall proceed under paragraphs (10) through (24)
19 of subsection (a) of this Section. The assessment
20 and recommendation under paragraph (12) of
21 subsection (a) of this Section shall be completed
22 within one year of the person's election under this
23 paragraph (3). If the recommendation finds, and
24 the person agrees, that the person should be
25 immediately considered by the Youthful Offender
26 Parole Board, a date for a hearing shall be set one

1 year from the date of the recommendation, counsel
2 shall be appointed under paragraph (13) of
3 subsection (a) of this Section, and the matter
4 shall proceed under paragraphs (14) through (24)
5 of subsection (a) of this Section.

6 (c) (1) There is created a Youthful Offender Parole Board
7 that is independent of the Department of Corrections. The
8 Youthful Offender Parole Board shall be:

9 (A) the paroling authority for persons who have been
10 subject to hearings under paragraphs (8), (9), (10), and
11 (11) of subsection (a) this Section and are serving a
12 sentence of either natural life imprisonment or a term of
13 20 years or more or cumulative term of 20 years or more of
14 imprisonment;

15 (B) the authority for granting release under paragraph
16 (21) of this Section; and

17 (C) the authority for setting conditions for parole or
18 mandatory supervised release under subsection (a) of
19 Section 5-8-1 of this Code of persons granted release by
20 the Board, and determining whether a violation of those
21 conditions warrant a violation of the remainder of the
22 parole or mandatory supervised release term.

23 (2) The Youthful Offender Parole Board shall consist of 9
24 members: 6 of the members must strictly meet the eligibility
25 requirements of paragraph (3) of this subsection and 3 members
26 must strictly meet the eligibility requirements of paragraph

1 (4) of this subsection. All members meeting the requirements of
2 paragraphs (3) of this subsection or (4) of this subsection
3 shall be appointed by the Governor by and with the advice and
4 consent of the Senate. One member of the Youthful Offender
5 Parole Board shall be designated by the Governor to be Chairman
6 and shall serve as Chairman at the pleasure of the Governor. No
7 more than 3 Youthful Offender Parole Board members eligible
8 under paragraph (3) of this subsection may be members of the
9 same political party. No more than 2 Youthful Offender Parole
10 Board members eligible under paragraph (4) of this subsection
11 may be members of the same political party. No more than 2
12 Youthful Offender Parole Board members under paragraph (3) of
13 this subsection may use their experience in law enforcement,
14 the prosecution of juveniles, or in corrections for their 5
15 years of actual experience in the field of juvenile matters.

16 Each member of the Board shall serve on a full-time basis
17 and shall not hold any other salaried public office, whether
18 elective or appointive, nor any other office or position of
19 profit, nor engage in any other business, employment, or
20 vocation.

21 (3) A person is eligible to be appointed as one of 6
22 members to the Youthful Offender Parole Board if the person
23 possesses a post-college graduate degree and at least 5 years
24 of actual experience in the field of juvenile matters.

25 (4) A person is eligible to be appointed as one of 3
26 members to the Youthful Offender Parole Board if the person has

1 previously served a sentence of imprisonment for a total of at
2 least 10 years in the Department of Corrections and in the 5
3 years prior to appointment to the Youthful Offender Parole
4 Board has not been convicted of any felony offense in this
5 State.

6 (5) Of the 9 initial members of the Youthful Offender
7 Parole Board, the terms of 2 persons appointed under paragraph
8 (3) of this subsection and one person appointed under paragraph
9 (4) of this subsection expire on the third Monday in January
10 2021; the terms of 2 persons appointed under paragraph (3) of
11 this subsection and one person appointed under paragraph (4) of
12 this subsection expire on the third Monday in January 2023; and
13 the terms of 2 persons appointed under paragraph (3) of this
14 subsection and one person appointed under paragraph (4) of this
15 subsection expire on the third Monday in January 2025. Their
16 respective successors shall be appointed for terms of 6 years
17 from the third Monday in January of their year of appointment.
18 Beginning in January of 2025, no person shall be eligible for
19 reappointment to the Youthful Offender Parole Board until a
20 year has passed since the completion of his or her previous
21 6-year term.

22 Any member may be removed by the Governor for incompetence,
23 neglect of duty, malfeasance, or inability to serve as a member
24 of the Board.

25 (6) The Chairman of the Youthful Offender Parole Board
26 shall be its chief executive and administrative officer. The

1 Board may have an Executive Director; if so, the Executive
2 Director shall be appointed by the Governor with the advice and
3 consent of the Senate. The salary and duties of the Executive
4 Director shall be fixed by the Youthful Offender Parole Board.
5 The Youthful Offender Parole Board shall utilize the resources
6 and services including staff of the Prisoner Review Board as
7 established and provided by Section 3-3-1 of this Code, with
8 the exception of Chief Legal Counsel, Chief of Operations, and
9 Chief Administrative Officer.

10 (7) The Youthful Offender Parole Board shall follow the
11 notification and advisement requirements of paragraph (12) of
12 subsection (a) of this Section and conduct hearings under
13 paragraph (20) of subsection (a) of this Section of all
14 eligible persons under paragraphs (10) and (11) of subsection
15 (a) of this Section.

16 (8) The Youthful Offender Parole Board shall provide an
17 annual report to the Governor and the General Assembly
18 concerning matters relative to its function and results of
19 hearings under paragraphs (21), (22), and (23) of subsection
20 (a) of this Section.

21 (d) Notwithstanding anything else to the contrary in this
22 Section, nothing in this Section shall be construed to delay
23 parole or mandatory supervised release consideration for
24 petitioners who, prior to the effective date of this amendatory
25 Act of the 99th General Assembly, are or will be eligible for
26 release earlier than this Section provides. Nothing in this

1 Section shall be construed as a limit, substitution, or bar on
2 any person's right to sentencing relief, or any other manner of
3 relief, obtained by order of a court in proceedings other than
4 as provided in this Section.

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

6 (Text of Section before amendment by P.A. 99-875)

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, subject
24 to Section 5-4.5-105, to a term of natural life
25 imprisonment, or

1 (c) the court shall sentence the defendant to a
2 term of natural life imprisonment if the defendant, at
3 the time of the commission of the murder, had attained
4 the age of 18, and

5 (i) has previously been convicted of first
6 degree murder under any state or federal law, or

7 (ii) is found guilty of murdering more than one
8 victim, or

9 (iii) is found guilty of murdering a peace
10 officer, fireman, or emergency management worker
11 when the peace officer, fireman, or emergency
12 management worker was killed in the course of
13 performing his official duties, or to prevent the
14 peace officer or fireman from performing his
15 official duties, or in retaliation for the peace
16 officer, fireman, or emergency management worker
17 from performing his official duties, and the
18 defendant knew or should have known that the
19 murdered individual was a peace officer, fireman,
20 or emergency management worker, or

21 (iv) is found guilty of murdering an employee
22 of an institution or facility of the Department of
23 Corrections, or any similar local correctional
24 agency, when the employee was killed in the course
25 of performing his official duties, or to prevent
26 the employee from performing his official duties,

1 or in retaliation for the employee performing his
2 official duties, or

3 (v) is found guilty of murdering an emergency
4 medical technician - ambulance, emergency medical
5 technician - intermediate, emergency medical
6 technician - paramedic, ambulance driver or other
7 medical assistance or first aid person while
8 employed by a municipality or other governmental
9 unit when the person was killed in the course of
10 performing official duties or to prevent the
11 person from performing official duties or in
12 retaliation for performing official duties and the
13 defendant knew or should have known that the
14 murdered individual was an emergency medical
15 technician - ambulance, emergency medical
16 technician - intermediate, emergency medical
17 technician - paramedic, ambulance driver, or other
18 medical assistant or first aid personnel, or

19 (vi) (blank), 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 2012.

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 subdivision (b)(1)(B) of Section 11-1.20 or
24 paragraph (3) of subsection (b) of Section 12-13,
25 subdivision (d)(2) of Section 11-1.30 or paragraph (2) of
26 subsection (d) of Section 12-14, subdivision (b)(1.2) of

1 Section 11-1.40 or paragraph (1.2) of subsection (b) of
2 Section 12-14.1, subdivision (b)(2) of Section 11-1.40 or
3 paragraph (2) of subsection (b) of Section 12-14.1 of the
4 Criminal Code of 1961 or the Criminal Code of 2012, the
5 sentence shall be a term of natural life imprisonment.

6 (b) (Blank).

7 (c) (Blank).

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

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

21 (2) for a Class 1 felony or a Class 2 felony except for
22 the offense of criminal sexual assault if committed on or
23 after the effective date of this amendatory Act of the 94th
24 General Assembly and except for the offenses of manufacture
25 and dissemination of child pornography under clauses
26 (a)(1) and (a)(2) of Section 11-20.1 of the Criminal Code

1 of 1961 or the Criminal Code of 2012, if committed on or
2 after January 1, 2009, 2 years;

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

4 (4) for defendants who commit the offense of predatory
5 criminal sexual assault of a child, aggravated criminal
6 sexual assault, or criminal sexual assault, on or after the
7 effective date of this amendatory Act of the 94th General
8 Assembly, or who commit the offense of aggravated child
9 pornography under Section 11-20.1B, 11-20.3, or 11-20.1
10 with sentencing under subsection (c-5) of Section 11-20.1
11 of the Criminal Code of 1961 or the Criminal Code of 2012,
12 manufacture of child pornography, or dissemination of
13 child pornography after January 1, 2009, the term of
14 mandatory supervised release shall range from a minimum of
15 3 years to a maximum of the natural life of the defendant;

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

22 (6) for a felony domestic battery, aggravated domestic
23 battery, stalking, aggravated stalking, and a felony
24 violation of an order of protection, 4 years.

25 (e) (Blank).

26 (f) (Blank).

1 (Source: P.A. 99-69, eff. 1-1-16.)

2 (Text of Section after amendment by P.A. 99-875)

3 Sec. 5-8-1. Natural life imprisonment; enhancements for
4 use of a firearm; mandatory supervised release terms.

5 (a) Except as otherwise provided in the statute defining
6 the offense or in Article 4.5 of Chapter V, a sentence of
7 imprisonment for a felony shall be a determinate sentence set
8 by the court under this Section, subject to Section 5-4.5-110
9 of this Code, according to the following limitations:

10 (1) for first degree murder,

11 (a) (blank),

12 (b) if a trier of fact finds beyond a reasonable
13 doubt that the murder was accompanied by exceptionally
14 brutal or heinous behavior indicative of wanton
15 cruelty or, except as set forth in subsection (a) (1) (c)
16 of this Section, that any of the aggravating factors
17 listed in subsection (b) or (b-5) of Section 9-1 of the
18 Criminal Code of 1961 or the Criminal Code of 2012 are
19 present, the court may sentence the defendant, subject
20 to Section 5-4.5-105, to a term of natural life
21 imprisonment, or

22 (c) the court shall sentence the defendant to a
23 term of natural life imprisonment if the defendant, at
24 the time of the commission of the murder, had attained
25 the age of 18, and

1 (i) has previously been convicted of first
2 degree murder under any state or federal law, or

3 (ii) is found guilty of murdering more than one
4 victim, or

5 (iii) is found guilty of murdering a peace
6 officer, fireman, or emergency management worker
7 when the peace officer, fireman, or emergency
8 management worker was killed in the course of
9 performing his official duties, or to prevent the
10 peace officer or fireman from performing his
11 official duties, or in retaliation for the peace
12 officer, fireman, or emergency management worker
13 from performing his official duties, and the
14 defendant knew or should have known that the
15 murdered individual was a peace officer, fireman,
16 or emergency management worker, or

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

25 (v) is found guilty of murdering an emergency
26 medical technician - ambulance, emergency medical

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

15 (vi) (blank), 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 who has attained the age of 18 years
19 at the time of the commission of the offense and who is
20 convicted under the circumstances described in subdivision
21 (b) (1) (B) of Section 11-1.20 or paragraph (3) of subsection
22 (b) of Section 12-13, subdivision (d) (2) of Section 11-1.30
23 or paragraph (2) of subsection (d) of Section 12-14,
24 subdivision (b) (1.2) of Section 11-1.40 or paragraph (1.2)
25 of subsection (b) of Section 12-14.1, subdivision (b) (2) of
26 Section 11-1.40 or paragraph (2) of subsection (b) of

1 Section 12-14.1 of the Criminal Code of 1961 or the
2 Criminal Code of 2012, the sentence shall be a term of
3 natural life imprisonment.

4 (b) (Blank).

5 (c) (Blank).

6 (d) Subject to earlier termination under Section 3-3-8 or
7 5-4.5-110, the parole or mandatory supervised release term
8 shall be written as part of the sentencing order and shall be
9 as follows:

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

20 (2) for a Class 1 felony or a Class 2 felony except for
21 the offense of criminal sexual assault if committed on or
22 after the effective date of this amendatory Act of the 94th
23 General Assembly and except for the offenses of manufacture
24 and dissemination of child pornography under clauses
25 (a)(1) and (a)(2) of Section 11-20.1 of the Criminal Code
26 of 1961 or the Criminal Code of 2012, if committed on or

1 after January 1, 2009, 2 years;

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

3 (4) for defendants who commit the offense of predatory
4 criminal sexual assault of a child, aggravated criminal
5 sexual assault, or criminal sexual assault, on or after the
6 effective date of this amendatory Act of the 94th General
7 Assembly, or who commit the offense of aggravated child
8 pornography under Section 11-20.1B, 11-20.3, or 11-20.1
9 with sentencing under subsection (c-5) of Section 11-20.1
10 of the Criminal Code of 1961 or the Criminal Code of 2012,
11 manufacture of child pornography, or dissemination of
12 child pornography after January 1, 2009, the term of
13 mandatory supervised release shall range from a minimum of
14 3 years to a maximum of the natural life of the defendant;

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

21 (6) for a felony domestic battery, aggravated domestic
22 battery, stalking, aggravated stalking, and a felony
23 violation of an order of protection, 4 years.

24 (e) (Blank).

25 (f) (Blank).

26 (Source: P.A. 99-69, eff. 1-1-16; 99-875, eff. 1-1-17.)

1 Section 10. The Code of Civil Procedure is amended by
2 changing Section 3-104 as follows:

3 (735 ILCS 5/3-104) (from Ch. 110, par. 3-104)

4 Sec. 3-104. Jurisdiction and venue. Jurisdiction to review
5 final administrative decisions is vested in the Circuit Courts,
6 except as to a final order of the Illinois Educational Labor
7 Relations Board in which case jurisdiction to review a final
8 order is vested in the Appellate Court of a judicial district
9 in which the Board maintains an office. Jurisdiction to review
10 an en banc determination by the Youthful Offender Parole Board
11 is vested in the Appellate Court of the judicial district which
12 encompasses the county in which the appellant was originally
13 sentenced. If the venue of the action to review a final
14 administrative decision is expressly prescribed in the
15 particular statute under authority of which the decision was
16 made, such venue shall control, but if the venue is not so
17 prescribed, an action to review a final administrative decision
18 may be commenced in the Circuit Court of any county in which
19 (1) any part of the hearing or proceeding culminating in the
20 decision of the administrative agency was held, or (2) any part
21 of the subject matter involved is situated, or (3) any part of
22 the transaction which gave rise to the proceedings before the
23 agency occurred. The court first acquiring jurisdiction of any
24 action to review a final administrative decision shall have and

1 retain jurisdiction of the action until final disposition of
2 the action.

3 (Source: P.A. 88-1.)

4 Section 95. No acceleration or delay. Where this Act makes
5 changes in a statute that is represented in this Act by text
6 that is not yet or no longer in effect (for example, a Section
7 represented by multiple versions), the use of that text does
8 not accelerate or delay the taking effect of (i) the changes
9 made by this Act or (ii) provisions derived from any other
10 Public Act.