



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB1617

Introduced 2/20/2015, by Sen. William R. Haine

SYNOPSIS AS INTRODUCED:

| | |
|--------------------------|----------------------------|
| 730 ILCS 5/5-4-1 | from Ch. 38, par. 1005-4-1 |
| 730 ILCS 5/5-4.5-105 new | |
| 730 ILCS 5/5-8-1 | from Ch. 38, par. 1005-8-1 |

Amends the Unified Code of Corrections. Provides that if a defendant is under 18 years of age at the time of the commission of a felony offense for which the defendant must be sentenced to a period of incarceration, the court shall determine if the defendant should be classified as having diminished culpability based upon the court's consideration of specified mitigating factors. Provides that the defendant shall submit to psychological or other medical evaluations upon request of the State, the results of which shall be admissible solely for the purpose of determining whether the defendant has diminished culpability. Provides that the defendant is permitted to submit his or her own psychological or medical evaluations. Provides that if the court finds that the defendant has diminished culpability, it may sentence the defendant to any authorized disposition for each base offense not otherwise enhanced by any other sentence, except for certain first degree murders. Provides that if the court does not find that the defendant has diminished culpability, it shall sentence the defendant as if the defendant had attained the age of 18 years at the time of the commission of the offense, up to a term of natural life imprisonment, if the court determines that natural life imprisonment is the appropriate sentence based upon the totality of the circumstances.

LRB099 09495 RLC 29703 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 5-4-1 and 5-8-1 and by adding Section
6 5-4.5-105 as follows:

7 (730 ILCS 5/5-4-1) (from Ch. 38, par. 1005-4-1)

8 Sec. 5-4-1. Sentencing Hearing.

9 (a) Except when the death penalty is sought under hearing
10 procedures otherwise specified, after a determination of
11 guilt, a hearing shall be held to impose the sentence. However,
12 prior to the imposition of sentence on an individual being
13 sentenced for an offense based upon a charge for a violation of
14 Section 11-501 of the Illinois Vehicle Code or a similar
15 provision of a local ordinance, the individual must undergo a
16 professional evaluation to determine if an alcohol or other
17 drug abuse problem exists and the extent of such a problem.
18 Programs conducting these evaluations shall be licensed by the
19 Department of Human Services. However, if the individual is not
20 a resident of Illinois, the court may, in its discretion,
21 accept an evaluation from a program in the state of such
22 individual's residence. The court may in its sentencing order
23 approve an eligible defendant for placement in a Department of

1 Corrections impact incarceration program as provided in
2 Section 5-8-1.1 or 5-8-1.3. The court may in its sentencing
3 order recommend a defendant for placement in a Department of
4 Corrections substance abuse treatment program as provided in
5 paragraph (a) of subsection (1) of Section 3-2-2 conditioned
6 upon the defendant being accepted in a program by the
7 Department of Corrections. At the hearing the court shall:

8 (1) consider the evidence, if any, received upon the
9 trial;

10 (2) consider any presentence reports;

11 (3) consider the financial impact of incarceration
12 based on the financial impact statement filed with the
13 clerk of the court by the Department of Corrections;

14 (4) consider evidence and information offered by the
15 parties in aggravation and mitigation;

16 (4.5) consider substance abuse treatment, eligibility
17 screening, and an assessment, if any, of the defendant by
18 an agent designated by the State of Illinois to provide
19 assessment services for the Illinois courts;

20 (5) hear arguments as to sentencing alternatives;

21 (6) afford the defendant the opportunity to make a
22 statement in his own behalf;

23 (7) afford the victim of a violent crime or a violation
24 of Section 11-501 of the Illinois Vehicle Code, or a
25 similar provision of a local ordinance, or a qualified
26 individual affected by: (i) a violation of Section 405,

1 405.1, 405.2, or 407 of the Illinois Controlled Substances
2 Act or a violation of Section 55 or Section 65 of the
3 Methamphetamine Control and Community Protection Act, or
4 (ii) a Class 4 felony violation of Section 11-14, 11-14.3
5 except as described in subdivisions (a)(2)(A) and
6 (a)(2)(B), 11-15, 11-17, 11-18, 11-18.1, or 11-19 of the
7 Criminal Code of 1961 or the Criminal Code of 2012,
8 committed by the defendant the opportunity to make a
9 statement concerning the impact on the victim and to offer
10 evidence in aggravation or mitigation; provided that the
11 statement and evidence offered in aggravation or
12 mitigation must first be prepared in writing in conjunction
13 with the State's Attorney before it may be presented orally
14 at the hearing. Any sworn testimony offered by the victim
15 is subject to the defendant's right to cross-examine. All
16 statements and evidence offered under this paragraph (7)
17 shall become part of the record of the court. For the
18 purpose of this paragraph (7), "qualified individual"
19 means any person who (i) lived or worked within the
20 territorial jurisdiction where the offense took place when
21 the offense took place; and (ii) is familiar with various
22 public places within the territorial jurisdiction where
23 the offense took place when the offense took place. For the
24 purposes of this paragraph (7), "qualified individual"
25 includes any peace officer, or any member of any duly
26 organized State, county, or municipal peace unit assigned

1 to the territorial jurisdiction where the offense took
2 place when the offense took place;

3 (8) in cases of reckless homicide afford the victim's
4 spouse, guardians, parents or other immediate family
5 members an opportunity to make oral statements;

6 (9) in cases involving a felony sex offense as defined
7 under the Sex Offender Management Board Act, consider the
8 results of the sex offender evaluation conducted pursuant
9 to Section 5-3-2 of this Act; and

10 (10) make a finding of whether a motor vehicle was used
11 in the commission of the offense for which the defendant is
12 being sentenced.

13 (b) All sentences shall be imposed by the judge based upon
14 his independent assessment of the elements specified above and
15 any agreement as to sentence reached by the parties. The judge
16 who presided at the trial or the judge who accepted the plea of
17 guilty shall impose the sentence unless he is no longer sitting
18 as a judge in that court. Where the judge does not impose
19 sentence at the same time on all defendants who are convicted
20 as a result of being involved in the same offense, the
21 defendant or the State's Attorney may advise the sentencing
22 court of the disposition of any other defendants who have been
23 sentenced.

24 (c) In imposing a sentence for a violent crime or for an
25 offense of operating or being in physical control of a vehicle
26 while under the influence of alcohol, any other drug or any

1 combination thereof, or a similar provision of a local
2 ordinance, when such offense resulted in the personal injury to
3 someone other than the defendant, the trial judge shall specify
4 on the record the particular evidence, information, factors in
5 mitigation and aggravation or other reasons that led to his
6 sentencing determination. The full verbatim record of the
7 sentencing hearing shall be filed with the clerk of the court
8 and shall be a public record.

9 (c-1) In imposing a sentence for the offense of aggravated
10 kidnapping for ransom, home invasion, armed robbery,
11 aggravated vehicular hijacking, aggravated discharge of a
12 firearm, or armed violence with a category I weapon or category
13 II weapon, the trial judge shall make a finding as to whether
14 the conduct leading to conviction for the offense resulted in
15 great bodily harm to a victim, and shall enter that finding and
16 the basis for that finding in the record.

17 (c-2) If the defendant is sentenced to prison, other than
18 when a sentence of natural life imprisonment or a sentence of
19 death is imposed, at the time the sentence is imposed the judge
20 shall state on the record in open court the approximate period
21 of time the defendant will serve in custody according to the
22 then current statutory rules and regulations for sentence
23 credit found in Section 3-6-3 and other related provisions of
24 this Code. This statement is intended solely to inform the
25 public, has no legal effect on the defendant's actual release,
26 and may not be relied on by the defendant on appeal.

1 The judge's statement, to be given after pronouncing the
2 sentence, other than when the sentence is imposed for one of
3 the offenses enumerated in paragraph (a)(3) of Section 3-6-3,
4 shall include the following:

5 "The purpose of this statement is to inform the public of
6 the actual period of time this defendant is likely to spend in
7 prison as a result of this sentence. The actual period of
8 prison time served is determined by the statutes of Illinois as
9 applied to this sentence by the Illinois Department of
10 Corrections and the Illinois Prisoner Review Board. In this
11 case, assuming the defendant receives all of his or her
12 sentence credit, the period of estimated actual custody is ...
13 years and ... months, less up to 180 days additional sentence
14 credit for good conduct. If the defendant, because of his or
15 her own misconduct or failure to comply with the institutional
16 regulations, does not receive those credits, the actual time
17 served in prison will be longer. The defendant may also receive
18 an additional one-half day sentence credit for each day of
19 participation in vocational, industry, substance abuse, and
20 educational programs as provided for by Illinois statute."

21 When the sentence is imposed for one of the offenses
22 enumerated in paragraph (a)(3) of Section 3-6-3, other than
23 when the sentence is imposed for one of the offenses enumerated
24 in paragraph (a)(2) of Section 3-6-3 committed on or after June
25 19, 1998, and other than when the sentence is imposed for
26 reckless homicide as defined in subsection (e) of Section 9-3

1 of the Criminal Code of 1961 or the Criminal Code of 2012 if
2 the offense was committed on or after January 1, 1999, and
3 other than when the sentence is imposed for aggravated arson if
4 the offense was committed on or after July 27, 2001 (the
5 effective date of Public Act 92-176), and other than when the
6 sentence is imposed for aggravated driving under the influence
7 of alcohol, other drug or drugs, or intoxicating compound or
8 compounds, or any combination thereof as defined in
9 subparagraph (C) of paragraph (1) of subsection (d) of Section
10 11-501 of the Illinois Vehicle Code committed on or after
11 January 1, 2011 (the effective date of Public Act 96-1230), the
12 judge's statement, to be given after pronouncing the sentence,
13 shall include the following:

14 "The purpose of this statement is to inform the public of
15 the actual period of time this defendant is likely to spend in
16 prison as a result of this sentence. The actual period of
17 prison time served is determined by the statutes of Illinois as
18 applied to this sentence by the Illinois Department of
19 Corrections and the Illinois Prisoner Review Board. In this
20 case, assuming the defendant receives all of his or her
21 sentence credit, the period of estimated actual custody is ...
22 years and ... months, less up to 90 days additional sentence
23 credit for good conduct. If the defendant, because of his or
24 her own misconduct or failure to comply with the institutional
25 regulations, does not receive those credits, the actual time
26 served in prison will be longer. The defendant may also receive

1 an additional one-half day sentence credit for each day of
2 participation in vocational, industry, substance abuse, and
3 educational programs as provided for by Illinois statute."

4 When the sentence is imposed for one of the offenses
5 enumerated in paragraph (a)(2) of Section 3-6-3, other than
6 first degree murder, and the offense was committed on or after
7 June 19, 1998, and when the sentence is imposed for reckless
8 homicide as defined in subsection (e) of Section 9-3 of the
9 Criminal Code of 1961 or the Criminal Code of 2012 if the
10 offense was committed on or after January 1, 1999, and when the
11 sentence is imposed for aggravated driving under the influence
12 of alcohol, other drug or drugs, or intoxicating compound or
13 compounds, or any combination thereof as defined in
14 subparagraph (F) of paragraph (1) of subsection (d) of Section
15 11-501 of the Illinois Vehicle Code, and when the sentence is
16 imposed for aggravated arson if the offense was committed on or
17 after July 27, 2001 (the effective date of Public Act 92-176),
18 and when the sentence is imposed for aggravated driving under
19 the influence of alcohol, other drug or drugs, or intoxicating
20 compound or compounds, or any combination thereof as defined in
21 subparagraph (C) of paragraph (1) of subsection (d) of Section
22 11-501 of the Illinois Vehicle Code committed on or after
23 January 1, 2011 (the effective date of Public Act 96-1230), the
24 judge's statement, to be given after pronouncing the sentence,
25 shall include the following:

26 "The purpose of this statement is to inform the public of

1 the actual period of time this defendant is likely to spend in
2 prison as a result of this sentence. The actual period of
3 prison time served is determined by the statutes of Illinois as
4 applied to this sentence by the Illinois Department of
5 Corrections and the Illinois Prisoner Review Board. In this
6 case, the defendant is entitled to no more than 4 1/2 days of
7 sentence credit for each month of his or her sentence of
8 imprisonment. Therefore, this defendant will serve at least 85%
9 of his or her sentence. Assuming the defendant receives 4 1/2
10 days credit for each month of his or her sentence, the period
11 of estimated actual custody is ... years and ... months. If the
12 defendant, because of his or her own misconduct or failure to
13 comply with the institutional regulations receives lesser
14 credit, the actual time served in prison will be longer."

15 When a sentence of imprisonment is imposed for first degree
16 murder and the offense was committed on or after June 19, 1998,
17 the judge's statement, to be given after pronouncing the
18 sentence, shall include the following:

19 "The purpose of this statement is to inform the public of
20 the actual period of time this defendant is likely to spend in
21 prison as a result of this sentence. The actual period of
22 prison time served is determined by the statutes of Illinois as
23 applied to this sentence by the Illinois Department of
24 Corrections and the Illinois Prisoner Review Board. In this
25 case, the defendant is not entitled to sentence credit.
26 Therefore, this defendant will serve 100% of his or her

1 sentence."

2 When the sentencing order recommends placement in a
3 substance abuse program for any offense that results in
4 incarceration in a Department of Corrections facility and the
5 crime was committed on or after September 1, 2003 (the
6 effective date of Public Act 93-354), the judge's statement, in
7 addition to any other judge's statement required under this
8 Section, to be given after pronouncing the sentence, shall
9 include the following:

10 "The purpose of this statement is to inform the public of
11 the actual period of time this defendant is likely to spend in
12 prison as a result of this sentence. The actual period of
13 prison time served is determined by the statutes of Illinois as
14 applied to this sentence by the Illinois Department of
15 Corrections and the Illinois Prisoner Review Board. In this
16 case, the defendant shall receive no sentence credit for good
17 conduct under clause (3) of subsection (a) of Section 3-6-3
18 until he or she participates in and completes a substance abuse
19 treatment program or receives a waiver from the Director of
20 Corrections pursuant to clause (4.5) of subsection (a) of
21 Section 3-6-3."

22 (c-4) Before the sentencing hearing and as part of the
23 presentence investigation under Section 5-3-1, the court shall
24 inquire of the defendant whether the defendant is currently
25 serving in or is a veteran of the Armed Forces of the United
26 States. If the defendant is currently serving in the Armed

1 Forces of the United States or is a veteran of the Armed Forces
2 of the United States and has been diagnosed as having a mental
3 illness by a qualified psychiatrist or clinical psychologist or
4 physician, the court may:

5 (1) order that the officer preparing the presentence
6 report consult with the United States Department of
7 Veterans Affairs, Illinois Department of Veterans'
8 Affairs, or another agency or person with suitable
9 knowledge or experience for the purpose of providing the
10 court with information regarding treatment options
11 available to the defendant, including federal, State, and
12 local programming; and

13 (2) consider the treatment recommendations of any
14 diagnosing or treating mental health professionals
15 together with the treatment options available to the
16 defendant in imposing sentence.

17 For the purposes of this subsection (c-4), "qualified
18 psychiatrist" means a reputable physician licensed in Illinois
19 to practice medicine in all its branches, who has specialized
20 in the diagnosis and treatment of mental and nervous disorders
21 for a period of not less than 5 years.

22 (c-6) In imposing a sentence, the trial judge shall
23 specify, on the record, the particular evidence and other
24 reasons which led to his or her determination that a motor
25 vehicle was used in the commission of the offense.

26 (d) When the defendant is committed to the Department of

1 Corrections, the State's Attorney shall and counsel for the
2 defendant may file a statement with the clerk of the court to
3 be transmitted to the department, agency or institution to
4 which the defendant is committed to furnish such department,
5 agency or institution with the facts and circumstances of the
6 offense for which the person was committed together with all
7 other factual information accessible to them in regard to the
8 person prior to his commitment relative to his habits,
9 associates, disposition and reputation and any other facts and
10 circumstances which may aid such department, agency or
11 institution during its custody of such person. The clerk shall
12 within 10 days after receiving any such statements transmit a
13 copy to such department, agency or institution and a copy to
14 the other party, provided, however, that this shall not be
15 cause for delay in conveying the person to the department,
16 agency or institution to which he has been committed.

17 (e) The clerk of the court shall transmit to the
18 department, agency or institution, if any, to which the
19 defendant is committed, the following:

20 (1) the sentence imposed;

21 (2) any statement by the court of the basis for
22 imposing the sentence;

23 (3) any presentence reports;

24 (3.5) any sex offender evaluations;

25 (3.6) any substance abuse treatment eligibility
26 screening and assessment of the defendant by an agent

1 designated by the State of Illinois to provide assessment
2 services for the Illinois courts;

3 (4) the number of days, if any, which the defendant has
4 been in custody and for which he is entitled to credit
5 against the sentence, which information shall be provided
6 to the clerk by the sheriff;

7 (4.1) any finding of great bodily harm made by the
8 court with respect to an offense enumerated in subsection
9 (c-1);

10 (5) all statements filed under subsection (d) of this
11 Section;

12 (6) any medical or mental health records or summaries
13 of the defendant;

14 (7) the municipality where the arrest of the offender
15 or the commission of the offense has occurred, where such
16 municipality has a population of more than 25,000 persons;

17 (8) all statements made and evidence offered under
18 paragraph (7) of subsection (a) of this Section; and

19 (9) all additional matters which the court directs the
20 clerk to transmit.

21 (f) In cases in which the court finds that a motor vehicle
22 was used in the commission of the offense for which the
23 defendant is being sentenced, the clerk of the court shall,
24 within 5 days thereafter, forward a report of such conviction
25 to the Secretary of State.

26 (g) On or after the effective date of this amendatory Act

1 of the 99th General Assembly, if a defendant is under 18 years
2 of age at the time of the commission of a first degree murder
3 or an attempt to commit first degree murder, then the court
4 shall also comply with the provisions of Section 5-4.5-105 of
5 this Code.

6 (Source: P.A. 96-86, eff. 1-1-10; 96-1180, eff. 1-1-11;
7 96-1230, eff. 1-1-11; 96-1551, eff. 7-1-11; 97-333, eff.
8 8-12-11; 97-697, eff. 6-22-12; 97-1150, eff. 1-25-13.)

9 (730 ILCS 5/5-4.5-105 new)

10 Sec. 5-4.5-105. SENTENCING OF PERSONS UNDER 18 YEARS OF AGE
11 AT THE TIME OF THE COMMISSION OF AN OFFENSE.

12 (a) On or after the effective date of this amendatory Act
13 of the 99th General Assembly, if a defendant is under 18 years
14 of age at the time of the commission of a felony offense for
15 which the defendant must be sentenced to a period of
16 incarceration, the court shall determine if the defendant
17 should be classified as having diminished culpability based
18 upon the court's consideration of the mitigating factors
19 provided in subsection (c) of this Section.

20 (b) The defendant shall submit to psychological or other
21 medical evaluations upon request of the State, the results of
22 which shall be admissible solely for the purpose of determining
23 whether the defendant has diminished culpability. The
24 defendant is permitted to submit his or her own psychological
25 or medical evaluations.

1 (c) In making its determination, the court shall consider
2 the following:

3 (1) the defendant's age, impetuosity, and level of
4 maturity at the time of the offense, including the ability
5 to consider risks and consequences of behavior;

6 (2) the defendant's susceptibility to outside
7 pressure, including peer pressure, familial pressure, or
8 negative influences, at the time of the offense;

9 (3) the defendant's family, home environment, and
10 social background, including any history of parental
11 neglect, physical abuse, or other childhood trauma;

12 (4) the defendant's potential for rehabilitation or
13 evidence of rehabilitation, or both;

14 (5) the circumstances of the offense;

15 (6) the defendant's degree of participation and
16 specific role in the offense;

17 (7) whether the defendant was able to meaningfully
18 participate in his or her defense;

19 (8) the defendant's overall record of behavior while
20 incarcerated, including disciplinary history,
21 participation in educational and vocational programs
22 whenever available to the petitioner, including but not
23 limited to restorative justice programs, and extent of
24 cooperation with staff;

25 (9) the defendant's likelihood of committing future
26 offenses, including the defendant's likely

1 post-incarceration support system;

2 (10) the defendant's prior juvenile or criminal
3 history; and

4 (11) any other information the court finds relevant and
5 reliable, including an expression of remorse, if
6 appropriate.

7 (d) If the court finds that the defendant has diminished
8 culpability, it may sentence the defendant to any authorized
9 disposition for each base offense not otherwise enhanced by any
10 other sentence, except as provided in subsection (f) of this
11 Section.

12 (e) If the court does not find that the defendant has
13 diminished culpability, it shall sentence the defendant as if
14 the defendant had attained the age of 18 years at the time of
15 the commission of the offense, up to a term of natural life
16 imprisonment, if the court determines that natural life
17 imprisonment is the appropriate sentence based upon the
18 totality of the circumstances.

19 (f) Notwithstanding any other provision of law, if the
20 defendant is convicted of murdering one of the category of
21 persons identified in clause (iii), (iv), (v), or (vii) of
22 subsection (c) of Section 5-8-1 of this Code, the minimum term
23 for the authorized sentencing range for the base offense not
24 otherwise enhanced by any other sentence of imprisonment shall
25 be 40 years.

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

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

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

9 (1) for first degree murder,

10 (a) (blank),

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

20 (c) the court shall sentence the defendant who has
21 attained the age of 18 years to a term of natural life
22 imprisonment when the death penalty is not imposed if
23 the defendant,

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

26 (ii) is a person who, at the time of the

1 commission of the murder, had attained the age of
2 17 or more and is found guilty of murdering an
3 individual under 12 years of age; or, irrespective
4 of the defendant's age at the time of the
5 commission of the offense, is found guilty of
6 murdering more than one victim, or

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

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

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

17 (vi) is a person who, at the time of the
18 commission of the murder, had not attained the age
19 of 17, and is found guilty of murdering a person
20 under 12 years of age and the murder is committed
21 during the course of aggravated criminal sexual
22 assault, criminal sexual assault, or aggravated
23 kidnaping, or

24 (vii) is found guilty of first degree murder
25 and the murder was committed by reason of any
26 person's activity as a community policing

1 volunteer or to prevent any person from engaging in
2 activity as a community policing volunteer. For
3 the purpose of this Section, "community policing
4 volunteer" has the meaning ascribed to it in
5 Section 2-3.5 of the Criminal Code of 2012.

6 For purposes of clause (v), "emergency medical
7 technician - ambulance", "emergency medical technician
8 - intermediate", "emergency medical technician -
9 paramedic", have the meanings ascribed to them in the
10 Emergency Medical Services (EMS) Systems Act.

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

14 (ii) if, during the commission of the offense,
15 the person personally discharged a firearm, 20
16 years shall be added to the term of imprisonment
17 imposed by the court;

18 (iii) if, during the commission of the
19 offense, the person personally discharged a
20 firearm that proximately caused great bodily harm,
21 permanent disability, permanent disfigurement, or
22 death to another person, 25 years or up to a term
23 of natural life shall be added to the term of
24 imprisonment imposed by the court.

25 (2) (blank);

26 (2.5) for a person convicted under the circumstances

1 described in subdivision (b) (1) (B) of Section 11-1.20 or
2 paragraph (3) of subsection (b) of Section 12-13,
3 subdivision (d) (2) of Section 11-1.30 or paragraph (2) of
4 subsection (d) of Section 12-14, subdivision (b) (1.2) of
5 Section 11-1.40 or paragraph (1.2) of subsection (b) of
6 Section 12-14.1, subdivision (b) (2) of Section 11-1.40 or
7 paragraph (2) of subsection (b) of Section 12-14.1 of the
8 Criminal Code of 1961 or the Criminal Code of 2012, the
9 sentence shall be a term of natural life imprisonment.

10 (b) (Blank).

11 (c) (Blank).

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

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

25 (2) for a Class 1 felony or a Class 2 felony except for
26 the offense of criminal sexual assault if committed on or

1 after the effective date of this amendatory Act of the 94th
2 General Assembly and except for the offenses of manufacture
3 and dissemination of child pornography under clauses
4 (a)(1) and (a)(2) of Section 11-20.1 of the Criminal Code
5 of 1961 or the Criminal Code of 2012, if committed on or
6 after January 1, 2009, 2 years;

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

8 (4) for defendants who commit the offense of predatory
9 criminal sexual assault of a child, aggravated criminal
10 sexual assault, or criminal sexual assault, on or after the
11 effective date of this amendatory Act of the 94th General
12 Assembly, or who commit the offense of aggravated child
13 pornography under Section 11-20.1B, 11-20.3, or 11-20.1
14 with sentencing under subsection (c-5) of Section 11-20.1
15 of the Criminal Code of 1961 or the Criminal Code of 2012,
16 manufacture of child pornography, or dissemination of
17 child pornography after January 1, 2009, the term of
18 mandatory supervised release shall range from a minimum of
19 3 years to a maximum of the natural life of the defendant;

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

26 (6) for a felony domestic battery, aggravated domestic

1 battery, stalking, aggravated stalking, and a felony
2 violation of an order of protection, 4 years.

3 (e) (Blank).

4 (f) (Blank).

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