



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB1830

Introduced 2/20/2015, by Sen. Don Harmon

SYNOPSIS AS INTRODUCED:

720 ILCS 5/10-2	from Ch. 38, par. 10-2
720 ILCS 5/11-1.20	was 720 ILCS 5/12-13
720 ILCS 5/11-1.30	was 720 ILCS 5/12-14
720 ILCS 5/11-1.40	was 720 ILCS 5/12-14.1
720 ILCS 5/12-33	from Ch. 38, par. 12-33
720 ILCS 5/29D-14.9	was 720 ILCS 5/29D-30
720 ILCS 5/29D-35	
730 ILCS 5/5-4.5-95	
730 ILCS 5/5-4.5-105 new	
730 ILCS 5/5-8-1	from Ch. 38, par. 1005-8-1

Amends the Criminal Code of 2012 and the Unified Code of Corrections. Eliminates mandatory sentences of natural life imprisonment for persons convicted of offenses committed before they attain 18 years of age. Provides that on or after the effective date of the amendatory Act, when a person was under 18 years of age at the time of the commission of an offense, the court, at the sentencing hearing, shall consider specified factors in determining the appropriate sentence and be given greater discretion in determining an appropriate sentence.

LRB099 04988 RLC 25017 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 Criminal Code of 2012 is amended by changing
5 Sections 10-2, 11-1.20, 11-1.30, 11-1.40, 12-33, 29D-14.9, and
6 29D-35 as follows:

7 (720 ILCS 5/10-2) (from Ch. 38, par. 10-2)

8 Sec. 10-2. Aggravated kidnaping.

9 (a) A person commits the offense of aggravated kidnaping
10 when he or she commits kidnaping and:

11 (1) kidnaps with the intent to obtain ransom from the
12 person kidnaped or from any other person;

13 (2) takes as his or her victim a child under the age of
14 13 years, or a severely or profoundly intellectually
15 disabled person;

16 (3) inflicts great bodily harm, other than by the
17 discharge of a firearm, or commits another felony upon his
18 or her victim;

19 (4) wears a hood, robe, or mask or conceals his or her
20 identity;

21 (5) commits the offense of kidnaping while armed with a
22 dangerous weapon, other than a firearm, as defined in
23 Section 33A-1 of this Code;

1 (6) commits the offense of kidnaping while armed with a
2 firearm;

3 (7) during the commission of the offense of kidnaping,
4 personally discharges a firearm; or

5 (8) during the commission of the offense of kidnaping,
6 personally discharges a firearm that proximately causes
7 great bodily harm, permanent disability, permanent
8 disfigurement, or death to another person.

9 As used in this Section, "ransom" includes money, benefit,
10 or other valuable thing or concession.

11 (b) Sentence. Aggravated kidnaping in violation of
12 paragraph (1), (2), (3), (4), or (5) of subsection (a) is a
13 Class X felony. A violation of subsection (a)(6) is a Class X
14 felony for which 15 years shall be added to the term of
15 imprisonment imposed by the court. A violation of subsection
16 (a)(7) is a Class X felony for which 20 years shall be added to
17 the term of imprisonment imposed by the court. A violation of
18 subsection (a)(8) is a Class X felony for which 25 years or up
19 to a term of natural life shall be added to the term of
20 imprisonment imposed by the court. An offender under the age of
21 18 years at the time of the commission of aggravated kidnaping
22 in violation of paragraphs (1) through (8) of subsection (a)
23 shall be sentenced under Section 5-4.5-105 of the Unified Code
24 of Corrections.

25 A person who has attained the age of 18 years at the time
26 of the commission of the offense and who is convicted of a

1 second or subsequent offense of aggravated kidnaping shall be
2 sentenced to a term of natural life imprisonment; except that a
3 sentence of natural life imprisonment shall not be imposed
4 under this Section unless the second or subsequent offense was
5 committed after conviction on the first offense. An offender
6 under the age of 18 years at the time of the commission of the
7 second or subsequent offense shall be sentenced under Section
8 5-4.5-105 of the Unified Code of Corrections.

9 (Source: P.A. 96-710, eff. 1-1-10; 97-227, eff. 1-1-12.)

10 (720 ILCS 5/11-1.20) (was 720 ILCS 5/12-13)

11 Sec. 11-1.20. Criminal Sexual Assault.

12 (a) A person commits criminal sexual assault if that person
13 commits an act of sexual penetration and:

14 (1) uses force or threat of force;

15 (2) knows that the victim is unable to understand the
16 nature of the act or is unable to give knowing consent;

17 (3) is a family member of the victim, and the victim is
18 under 18 years of age; or

19 (4) is 17 years of age or over and holds a position of
20 trust, authority, or supervision in relation to the victim,
21 and the victim is at least 13 years of age but under 18
22 years of age.

23 (b) Sentence.

24 (1) Criminal sexual assault is a Class 1 felony, except
25 that:

1 (A) A person who is convicted of the offense of
2 criminal sexual assault as defined in paragraph (a) (1)
3 or (a) (2) after having previously been convicted of the
4 offense of criminal sexual assault or the offense of
5 exploitation of a child, or who is convicted of the
6 offense of criminal sexual assault as defined in
7 paragraph (a) (1) or (a) (2) after having previously
8 been convicted under the laws of this State or any
9 other state of an offense that is substantially
10 equivalent to the offense of criminal sexual assault or
11 to the offense of exploitation of a child, commits a
12 Class X felony for which the person shall be sentenced
13 to a term of imprisonment of not less than 30 years and
14 not more than 60 years, except that if the person is
15 under the age of 18 years at the time of the offense,
16 he or she shall be sentenced under Section 5-4.5-105 of
17 the Unified Code of Corrections. The commission of the
18 second or subsequent offense is required to have been
19 after the initial conviction for this paragraph (A) to
20 apply.

21 (B) A person who has attained the age of 18 years
22 at the time of the commission of the offense and who is
23 convicted of the offense of criminal sexual assault as
24 defined in paragraph (a) (1) or (a) (2) after having
25 previously been convicted of the offense of aggravated
26 criminal sexual assault or the offense of predatory

1 criminal sexual assault of a child, or who is convicted
2 of the offense of criminal sexual assault as defined in
3 paragraph (a)(1) or (a)(2) after having previously
4 been convicted under the laws of this State or any
5 other state of an offense that is substantially
6 equivalent to the offense of aggravated criminal
7 sexual assault or the offense of predatory criminal
8 sexual assault of a child shall be sentenced to a term
9 of natural life imprisonment. The commission of the
10 second or subsequent offense is required to have been
11 after the initial conviction for this paragraph (B) to
12 apply. An offender under the age of 18 years at the
13 time of the commission of the offense covered by this
14 subparagraph (B) shall be sentenced under Section
15 5-4.5-105 of the Unified Code of Corrections.

16 (C) A second or subsequent conviction for a
17 violation of paragraph (a)(3) or (a)(4) or under any
18 similar statute of this State or any other state for
19 any offense involving criminal sexual assault that is
20 substantially equivalent to or more serious than the
21 sexual assault prohibited under paragraph (a)(3) or
22 (a)(4) is a Class X felony.

23 (Source: P.A. 95-640, eff. 6-1-08; 96-1551, eff. 7-1-11.)

24 (720 ILCS 5/11-1.30) (was 720 ILCS 5/12-14)

25 Sec. 11-1.30. Aggravated Criminal Sexual Assault.

1 (a) A person commits aggravated criminal sexual assault if
2 that person commits criminal sexual assault and any of the
3 following aggravating circumstances exist during the
4 commission of the offense or, for purposes of paragraph (7),
5 occur as part of the same course of conduct as the commission
6 of the offense:

7 (1) the person displays, threatens to use, or uses a
8 dangerous weapon, other than a firearm, or any other object
9 fashioned or used in a manner that leads the victim, under
10 the circumstances, reasonably to believe that the object is
11 a dangerous weapon;

12 (2) the person causes bodily harm to the victim, except
13 as provided in paragraph (10);

14 (3) the person acts in a manner that threatens or
15 endangers the life of the victim or any other person;

16 (4) the person commits the criminal sexual assault
17 during the course of committing or attempting to commit any
18 other felony;

19 (5) the victim is 60 years of age or older;

20 (6) the victim is a physically handicapped person;

21 (7) the person delivers (by injection, inhalation,
22 ingestion, transfer of possession, or any other means) any
23 controlled substance to the victim without the victim's
24 consent or by threat or deception for other than medical
25 purposes;

26 (8) the person is armed with a firearm;

1 (9) the person personally discharges a firearm during
2 the commission of the offense; or

3 (10) the person personally discharges a firearm during
4 the commission of the offense, and that discharge
5 proximately causes great bodily harm, permanent
6 disability, permanent disfigurement, or death to another
7 person.

8 (b) A person commits aggravated criminal sexual assault if
9 that person is under 17 years of age and: (i) commits an act of
10 sexual penetration with a victim who is under 9 years of age;
11 or (ii) commits an act of sexual penetration with a victim who
12 is at least 9 years of age but under 13 years of age and the
13 person uses force or threat of force to commit the act.

14 (c) A person commits aggravated criminal sexual assault if
15 that person commits an act of sexual penetration with a victim
16 who is a severely or profoundly intellectually disabled person.

17 (d) Sentence.

18 (1) Aggravated criminal sexual assault in violation of
19 paragraph (2), (3), (4), (5), (6), or (7) of subsection (a)
20 or in violation of subsection (b) or (c) is a Class X
21 felony. A violation of subsection (a)(1) is a Class X
22 felony for which 10 years shall be added to the term of
23 imprisonment imposed by the court. A violation of
24 subsection (a)(8) is a Class X felony for which 15 years
25 shall be added to the term of imprisonment imposed by the
26 court. A violation of subsection (a)(9) is a Class X felony

1 for which 20 years shall be added to the term of
2 imprisonment imposed by the court. A violation of
3 subsection (a)(10) is a Class X felony for which 25 years
4 or up to a term of natural life imprisonment shall be added
5 to the term of imprisonment imposed by the court. An
6 offender under the age of 18 years at the time of the
7 commission of aggravated criminal sexual assault in
8 violation of paragraphs (1) through (10) of subsection (a)
9 shall be sentenced under Section 5-4.5-105 of the Unified
10 Code of Corrections.

11 (2) A person who has attained the age of 18 years at
12 the time of the commission of the offense and who is
13 convicted of a second or subsequent offense of aggravated
14 criminal sexual assault, or who is convicted of the offense
15 of aggravated criminal sexual assault after having
16 previously been convicted of the offense of criminal sexual
17 assault or the offense of predatory criminal sexual assault
18 of a child, or who is convicted of the offense of
19 aggravated criminal sexual assault after having previously
20 been convicted under the laws of this or any other state of
21 an offense that is substantially equivalent to the offense
22 of criminal sexual assault, the offense of aggravated
23 criminal sexual assault or the offense of predatory
24 criminal sexual assault of a child, shall be sentenced to a
25 term of natural life imprisonment. The commission of the
26 second or subsequent offense is required to have been after

1 the initial conviction for this paragraph (2) to apply. An
2 offender under the age of 18 years at the time of the
3 commission of the offense covered by this paragraph (2)
4 shall be sentenced under Section 5-4.5-105 of the Unified
5 Code of Corrections.

6 (Source: P.A. 96-1551, eff. 7-1-11; incorporates 97-227, eff.
7 1-1-12; 97-1109, eff. 1-1-13.)

8 (720 ILCS 5/11-1.40) (was 720 ILCS 5/12-14.1)

9 Sec. 11-1.40. Predatory criminal sexual assault of a child.

10 (a) A person commits predatory criminal sexual assault of a
11 child if that person is 17 years of age or older, and commits
12 an act of contact, however slight, between the sex organ or
13 anus of one person and the part of the body of another for the
14 purpose of sexual gratification or arousal of the victim or the
15 accused, or an act of sexual penetration, and:

16 (1) the victim is under 13 years of age; or

17 (2) the victim is under 13 years of age and that
18 person:

19 (A) is armed with a firearm;

20 (B) personally discharges a firearm during the
21 commission of the offense;

22 (C) causes great bodily harm to the victim that:

23 (i) results in permanent disability; or

24 (ii) is life threatening; or

25 (D) delivers (by injection, inhalation, ingestion,

1 transfer of possession, or any other means) any
2 controlled substance to the victim without the
3 victim's consent or by threat or deception, for other
4 than medical purposes.

5 (b) Sentence.

6 (1) A person convicted of a violation of subsection
7 (a) (1) commits a Class X felony, for which the person shall
8 be sentenced to a term of imprisonment of not less than 6
9 years and not more than 60 years. A person convicted of a
10 violation of subsection (a) (2) (A) commits a Class X felony
11 for which 15 years shall be added to the term of
12 imprisonment imposed by the court. A person convicted of a
13 violation of subsection (a) (2) (B) commits a Class X felony
14 for which 20 years shall be added to the term of
15 imprisonment imposed by the court. A person who has
16 attained the age of 18 years at the time of the commission
17 of the offense and who is convicted of a violation of
18 subsection (a) (2) (C) commits a Class X felony for which the
19 person shall be sentenced to a term of imprisonment of not
20 less than 50 years or up to a term of natural life
21 imprisonment. An offender under the age of 18 years at the
22 time of the commission of predatory criminal sexual assault
23 of a child in violation of subsections (a) (1), (a) (2) (A),
24 (a) (2) (B), and (a) (2) (C) shall be sentenced under Section
25 5-4.5-105 of the Unified Code of Corrections.

26 (1.1) A person convicted of a violation of subsection

1 (a)(2)(D) commits a Class X felony for which the person
2 shall be sentenced to a term of imprisonment of not less
3 than 50 years and not more than 60 years. An offender under
4 the age of 18 years at the time of the commission of
5 predatory criminal sexual assault of a child in violation
6 of subsection (a)(2)(D) shall be sentenced under Section
7 5-4.5-105 of the Unified Code of Corrections.

8 (1.2) A person who has attained the age of 18 years at
9 the time of the commission of the offense and convicted of
10 predatory criminal sexual assault of a child committed
11 against 2 or more persons regardless of whether the
12 offenses occurred as the result of the same act or of
13 several related or unrelated acts shall be sentenced to a
14 term of natural life imprisonment and an offender under the
15 age of 18 years at the time of the commission of the
16 offense shall be sentenced under Section 5-4.5-105 of the
17 Unified Code of Corrections.

18 (2) A person who has attained the age of 18 years at
19 the time of the commission of the offense and who is
20 convicted of a second or subsequent offense of predatory
21 criminal sexual assault of a child, or who is convicted of
22 the offense of predatory criminal sexual assault of a child
23 after having previously been convicted of the offense of
24 criminal sexual assault or the offense of aggravated
25 criminal sexual assault, or who is convicted of the offense
26 of predatory criminal sexual assault of a child after

1 having previously been convicted under the laws of this
2 State or any other state of an offense that is
3 substantially equivalent to the offense of predatory
4 criminal sexual assault of a child, the offense of
5 aggravated criminal sexual assault or the offense of
6 criminal sexual assault, shall be sentenced to a term of
7 natural life imprisonment. The commission of the second or
8 subsequent offense is required to have been after the
9 initial conviction for this paragraph (2) to apply. An
10 offender under the age of 18 years at the time of the
11 commission of the offense covered by this paragraph (2)
12 shall be sentenced under Section 5-4.5-105 of the Unified
13 Code of Corrections.

14 (Source: P.A. 98-370, eff. 1-1-14; 98-756, eff. 7-16-14;
15 98-903, eff. 8-15-14.)

16 (720 ILCS 5/12-33) (from Ch. 38, par. 12-33)

17 Sec. 12-33. Ritualized abuse of a child.

18 (a) A person commits ritualized abuse of a child when he or
19 she knowingly commits any of the following acts with, upon, or
20 in the presence of a child as part of a ceremony, rite or any
21 similar observance:

22 (1) actually or in simulation, tortures, mutilates, or
23 sacrifices any warm-blooded animal or human being;

24 (2) forces ingestion, injection or other application
25 of any narcotic, drug, hallucinogen or anaesthetic for the

1 purpose of dulling sensitivity, cognition, recollection
2 of, or resistance to any criminal activity;

3 (3) forces ingestion, or external application, of
4 human or animal urine, feces, flesh, blood, bones, body
5 secretions, nonprescribed drugs or chemical compounds;

6 (4) involves the child in a mock, unauthorized or
7 unlawful marriage ceremony with another person or
8 representation of any force or deity, followed by sexual
9 contact with the child;

10 (5) places a living child into a coffin or open grave
11 containing a human corpse or remains;

12 (6) threatens death or serious harm to a child, his or
13 her parents, family, pets, or friends that instills a
14 well-founded fear in the child that the threat will be
15 carried out; or

16 (7) unlawfully dissects, mutilates, or incinerates a
17 human corpse.

18 (b) The provisions of this Section shall not be construed
19 to apply to:

20 (1) lawful agricultural, animal husbandry, food
21 preparation, or wild game hunting and fishing practices and
22 specifically the branding or identification of livestock;

23 (2) the lawful medical practice of male circumcision or
24 any ceremony related to male circumcision;

25 (3) any state or federally approved, licensed, or
26 funded research project; or

1 (4) the ingestion of animal flesh or blood in the
2 performance of a religious service or ceremony.

3 (b-5) For the purposes of this Section, "child" means any
4 person under 18 years of age.

5 (c) Ritualized abuse of a child is a Class 1 felony for a
6 first offense. A second or subsequent conviction for ritualized
7 abuse of a child is a Class X felony for which an offender who
8 has attained the age of 18 years at the time of the commission
9 of the offense ~~the offender~~ may be sentenced to a term of
10 natural life imprisonment and an offender under the age of 18
11 years at the time of the commission of the offense shall be
12 sentenced under Section 5-4.5-105 of the Unified Code of
13 Corrections.

14 (d) (Blank).

15 (Source: P.A. 96-1551, eff. 7-1-11.)

16 (720 ILCS 5/29D-14.9) (was 720 ILCS 5/29D-30)
17 Sec. 29D-14.9. Terrorism.

18 (a) A person commits the offense of terrorism when, with
19 the intent to intimidate or coerce a significant portion of a
20 civilian population:

21 (1) he or she knowingly commits a terrorist act as
22 defined in Section 29D-10(1) of this Code within this
23 State; or

24 (2) he or she, while outside this State, knowingly
25 commits a terrorist act as defined in Section 29D-10(1) of

1 this Code that takes effect within this State or produces
2 substantial detrimental effects within this State.

3 (b) Sentence. Terrorism is a Class X felony. If no deaths
4 are caused by the terrorist act, the sentence shall be a term
5 of 20 years to natural life imprisonment; if the terrorist act
6 caused the death of one or more persons, however, a mandatory
7 term of natural life imprisonment shall be the sentence if the
8 death penalty is not imposed and the person has attained the
9 age of 18 years at the time of the commission of the offense.
10 An offender under the age of 18 years at the time of the
11 commission of the offense shall be sentenced under Section
12 5-4.5-105 of the Unified Code of Corrections.

13 (Source: P.A. 96-710, eff. 1-1-10.)

14 (720 ILCS 5/29D-35)

15 Sec. 29D-35. Hindering prosecution of terrorism.

16 (a) A person commits the offense of hindering prosecution
17 of terrorism when he or she renders criminal assistance to a
18 person who has committed terrorism as defined in Section
19 29D-14.9 or caused a catastrophe as defined in Section 29D-15.1
20 of this Code when he or she knows that the person to whom he or
21 she rendered criminal assistance engaged in an act of terrorism
22 or caused a catastrophe.

23 (b) Hindering prosecution of terrorism is a Class X felony,
24 the sentence for which shall be a term of 20 years to natural
25 life imprisonment if no death was caused by the act of

1 terrorism committed by the person to whom the defendant
2 rendered criminal assistance and a mandatory term of natural
3 life imprisonment if death was caused by the act of terrorism
4 committed by the person to whom the defendant rendered criminal
5 assistance. An offender under the age of 18 years at the time
6 of the commission of the offense shall be sentenced under
7 Section 5-4.5-105 of the Unified Code of Corrections.

8 (Source: P.A. 96-710, eff. 1-1-10.)

9 Section 10. The Unified Code of Corrections is amended by
10 changing Sections 5-4.5-95 and 5-8-1 and by adding Section
11 5-4.5-105 as follows:

12 (730 ILCS 5/5-4.5-95)

13 Sec. 5-4.5-95. GENERAL RECIDIVISM PROVISIONS.

14 (a) HABITUAL CRIMINALS.

15 (1) Every person who has been twice convicted in any
16 state or federal court of an offense that contains the same
17 elements as an offense now (the date of the offense
18 committed after the 2 prior convictions) classified in
19 Illinois as a Class X felony, criminal sexual assault,
20 aggravated kidnapping, or first degree murder, and who is
21 thereafter convicted of a Class X felony, criminal sexual
22 assault, or first degree murder, committed after the 2
23 prior convictions, shall be adjudged an habitual criminal.

24 (2) The 2 prior convictions need not have been for the

1 same offense.

2 (3) Any convictions that result from or are connected
3 with the same transaction, or result from offenses
4 committed at the same time, shall be counted for the
5 purposes of this Section as one conviction.

6 (4) This Section does not apply unless each of the
7 following requirements are satisfied:

8 (A) The third offense was committed after July 3,
9 1980.

10 (B) The third offense was committed within 20 years
11 of the date that judgment was entered on the first
12 conviction; provided, however, that time spent in
13 custody shall not be counted.

14 (C) The third offense was committed after
15 conviction on the second offense.

16 (D) The second offense was committed after
17 conviction on the first offense.

18 (5) Anyone who, having attained the age of 18 at the
19 time of the third offense, is ~~Except when the death penalty~~
20 ~~is imposed, anyone~~ adjudged an habitual criminal shall be
21 sentenced to a term of natural life imprisonment.

22 (6) A prior conviction shall not be alleged in the
23 indictment, and no evidence or other disclosure of that
24 conviction shall be presented to the court or the jury
25 during the trial of an offense set forth in this Section
26 unless otherwise permitted by the issues properly raised in

1 that trial. After a plea or verdict or finding of guilty
2 and before sentence is imposed, the prosecutor may file
3 with the court a verified written statement signed by the
4 State's Attorney concerning any former conviction of an
5 offense set forth in this Section rendered against the
6 defendant. The court shall then cause the defendant to be
7 brought before it; shall inform the defendant of the
8 allegations of the statement so filed, and of his or her
9 right to a hearing before the court on the issue of that
10 former conviction and of his or her right to counsel at
11 that hearing; and unless the defendant admits such
12 conviction, shall hear and determine the issue, and shall
13 make a written finding thereon. If a sentence has
14 previously been imposed, the court may vacate that sentence
15 and impose a new sentence in accordance with this Section.

16 (7) A duly authenticated copy of the record of any
17 alleged former conviction of an offense set forth in this
18 Section shall be prima facie evidence of that former
19 conviction; and a duly authenticated copy of the record of
20 the defendant's final release or discharge from probation
21 granted, or from sentence and parole supervision (if any)
22 imposed pursuant to that former conviction, shall be prima
23 facie evidence of that release or discharge.

24 (8) Any claim that a previous conviction offered by the
25 prosecution is not a former conviction of an offense set
26 forth in this Section because of the existence of any

1 exceptions described in this Section, is waived unless duly
2 raised at the hearing on that conviction, or unless the
3 prosecution's proof shows the existence of the exceptions
4 described in this Section.

5 (9) If the person so convicted shows to the
6 satisfaction of the court before whom that conviction was
7 had that he or she was released from imprisonment, upon
8 either of the sentences upon a pardon granted for the
9 reason that he or she was innocent, that conviction and
10 sentence shall not be considered under this Section.

11 (b) When a defendant, over the age of 21 years, is
12 convicted of a Class 1 or Class 2 felony, after having twice
13 been convicted in any state or federal court of an offense that
14 contains the same elements as an offense now (the date the
15 Class 1 or Class 2 felony was committed) classified in Illinois
16 as a Class 2 or greater Class felony and those charges are
17 separately brought and tried and arise out of different series
18 of acts, that defendant shall be sentenced as a Class X
19 offender. This subsection does not apply unless:

20 (1) the first felony was committed after February 1,
21 1978 (the effective date of Public Act 80-1099);

22 (2) the second felony was committed after conviction on
23 the first; and

24 (3) the third felony was committed after conviction on
25 the second.

26 A person sentenced as a Class X offender under this

1 subsection (b) is not eligible to apply for treatment as a
2 condition of probation as provided by Section 40-10 of the
3 Alcoholism and Other Drug Abuse and Dependency Act (20 ILCS
4 301/40-10).

5 (Source: P.A. 95-1052, eff. 7-1-09.)

6 (730 ILCS 5/5-4.5-105 new)

7 Sec. 5-4.5-105. SENTENCING OF INDIVIDUALS UNDER THE AGE OF
8 18 AT THE TIME OF THE COMMISSION OF AN OFFENSE.

9 (a) On or after the effective date of this amendatory Act
10 of the 99th General Assembly, when a person commits an offense
11 and the person is under 18 years of age at the time of the
12 commission of the offense, the court, at the sentencing hearing
13 conducted under Section 5-4-1, shall consider the following
14 additional factors in mitigation in determining the
15 appropriate sentence:

16 (1) the person's age, impetuosity, and level of
17 maturity at the time of the offense, including the ability
18 to consider risks and consequences of behavior, and the
19 presence of cognitive or developmental disability, or
20 both, if any;

21 (2) whether the person was subjected to outside
22 pressure, including peer pressure, familial pressure, or
23 negative influences;

24 (3) the person's family, home environment, educational
25 and social background, including any history of parental

1 neglect, physical abuse, or other childhood trauma;

2 (4) the person's potential for rehabilitation;

3 (5) the circumstances of the offense;

4 (6) the person's degree of participation and specific
5 role in the offense, including the level of planning by the
6 defendant before the offense;

7 (7) whether the person was able to meaningfully
8 participate in his or her defense;

9 (8) the person's prior juvenile or criminal history;
10 and

11 (9) any other information the court finds relevant and
12 reliable, including an expression of remorse, if
13 appropriate. However, if the person, on advice of counsel
14 chooses not to make a statement, the court shall not
15 consider a lack of an expression of remorse as an
16 aggravating factor.

17 (b) The court, in the exercise of its discretion may
18 consider, but is not subject to, mandatory minimum prison
19 terms, consecutive sentencing requirements, sentencing
20 enhancements, or other sentencing requirements imposed on
21 adults for the same offense.

22 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

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

25 (a) Except as otherwise provided in the statute defining

1 the offense or in Article 4.5 of Chapter V, a sentence of
2 imprisonment for a felony shall be a determinate sentence set
3 by the court under this Section, according to the following
4 limitations:

5 (1) for first degree murder,

6 (a) (blank),

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

17 (c) the court shall sentence the defendant to a
18 term of natural life imprisonment ~~when the death~~
19 ~~penalty is not imposed~~ if the defendant, at the time of
20 the commission of the murder, had attained the age of
21 18, and

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

24 (ii) is a person who, ~~at the time of the~~
25 ~~commission of the murder, had attained the age of~~
26 ~~17 or more and~~ is found guilty of murdering an

1 individual under 12 years of age, ~~or, irrespective~~
2 ~~of the defendant's age at the time of the~~
3 ~~commission of the offense,~~ is found guilty of
4 murdering more than one 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 ~~is a person who, at the time~~
16 ~~of the commission of the murder, had not attained~~
17 ~~the age of 17, and is found guilty of murdering a~~
18 ~~person under 12 years of age and the murder is~~
19 ~~committed during the course of aggravated criminal~~
20 ~~sexual assault, criminal sexual assault, or~~
21 ~~aggravated kidnaping, or~~

22 (vii) is found guilty of first degree murder
23 and the murder was committed by reason of any
24 person's activity as a community policing
25 volunteer or to prevent any person from engaging in
26 activity as a community policing volunteer. For

1 the purpose of this Section, "community policing
2 volunteer" has the meaning ascribed to it in
3 Section 2-3.5 of the Criminal Code of 2012.

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

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

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

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

23 (2) (blank);

24 (2.5) for a person convicted under the circumstances
25 described in subdivision (b) (1) (B) of Section 11-1.20 or
26 paragraph (3) of subsection (b) of Section 12-13,

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

8 (b) (Blank).

9 (c) (Blank).

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

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

23 (2) for a Class 1 felony or a Class 2 felony except for
24 the offense of criminal sexual assault if committed on or
25 after the effective date of this amendatory Act of the 94th
26 General Assembly and except for the offenses of manufacture

1 and dissemination of child pornography under clauses
2 (a)(1) and (a)(2) of Section 11-20.1 of the Criminal Code
3 of 1961 or the Criminal Code of 2012, if committed on or
4 after January 1, 2009, 2 years;

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

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

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

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

1 (e) (Blank).

2 (f) (Blank).

3 (Source: P.A. 96-282, eff. 1-1-10; 96-1000, eff. 7-2-10;
4 96-1200, eff. 7-22-10; 96-1475, eff. 1-1-11; 96-1551, eff.
5 7-1-11; 97-333, eff. 8-12-11; 97-531, eff. 1-1-12; 97-1109,
6 eff. 1-1-13; 97-1150, eff. 1-25-13.)