

1 AN ACT in relation to criminal law.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Unified Code of Corrections is amended by
5 changing Section 5-8-4 as follows:

6 (730 ILCS 5/5-8-4) (from Ch. 38, par. 1005-8-4)
7 Sec. 5-8-4. Concurrent and Consecutive Terms of
8 Imprisonment.

9 (a) When multiple sentences of imprisonment are imposed
10 on a defendant at the same time, or when a term of
11 imprisonment is imposed on a defendant who is already subject
12 to sentence in this State or in another state, or for a
13 sentence imposed by any district court of the United States,
14 the sentences shall run concurrently or consecutively as
15 determined by the court. When a term of imprisonment is
16 imposed on a defendant by an Illinois circuit court and the
17 defendant is subsequently sentenced to a term of imprisonment
18 by another state or by a district court of the United States,
19 the Illinois circuit court which imposed the sentence may
20 order that the Illinois sentence be made concurrent with the
21 sentence imposed by the other state or district court of the
22 United States. In such instance, the defendant must apply to
23 the circuit court within 30 days after the defendant's
24 sentence imposed by the other state or district of the United
25 States is finalized.

26 (b) The court shall order multiple sentences that are
27 imposed on a defendant at the same time to run consecutively,
28 if ~~The court--shall--not--impose--consecutive--sentences--for~~
29 ~~offenses--which--were--committed--as--part--of--a--single--course--of~~
30 ~~conduct--during--which--there--was--no--substantial--change--in--the~~
31 ~~nature--of--the--criminal--objective,-unless:~~

1 (i) one of the offenses for which defendant was
 2 convicted was first degree murder or a Class X or Class 1
 3 felony and the defendant inflicted severe bodily injury,
 4 or

5 (ii) the defendant was convicted of a violation of
 6 Section 12-13, 12-14, or 12-14.1 of the Criminal Code of
 7 1961, or

8 (iii) the defendant was convicted of armed violence
 9 based upon the predicate offense of solicitation of
 10 murder, solicitation of murder for hire, heinous battery,
 11 aggravated battery of a senior citizen, criminal sexual
 12 assault, a violation of subsection (g) of Section 5 of
 13 the Cannabis Control Act, cannabis trafficking, a
 14 violation of subsection (a) of Section 401 of the
 15 Illinois Controlled Substances Act, controlled substance
 16 trafficking involving a Class X felony amount of
 17 controlled substance under Section 401 of the Illinois
 18 Controlled Substances Act, calculated criminal drug
 19 conspiracy, or streetgang criminal drug conspiracy,

20 ~~in--which--event--the--court--shall--enter--sentences--to--run~~
 21 ~~consecutively.--Sentences--shall--run---concurrently---unless~~
 22 ~~otherwise-specified-by-the-court.~~

23 (b-1) Except as provided in subsection (b), the court
 24 shall not impose consecutive sentences for offenses which
 25 were committed as part of a single course of conduct during
 26 which there was no substantial change in the nature of the
 27 criminal objective.

28 (b-2) Except as provided in subsection (b), the court
 29 shall not impose a consecutive sentences for offenses which
 30 were not committed as part of a single course of conduct
 31 ~~sentence-except-as-provided-for--in--subsection--(a)~~ unless,
 32 having regard to the nature and circumstances of the offense
 33 and the history and character of the defendant, it is of the
 34 opinion that such a term is required to protect the public

1 from further criminal conduct by the defendant, the basis for
 2 which the court shall set forth in the record; ~~except that no~~
 3 ~~such finding or opinion is required when multiple sentences~~
 4 ~~of imprisonment are imposed on a defendant for offenses that~~
 5 ~~were not committed as part of a single course of conduct~~
 6 ~~during which there was no substantial change in the nature of~~
 7 ~~the criminal objective, and one of the offenses for which the~~
 8 ~~defendant was convicted was first-degree murder or a Class X~~
 9 ~~or Class 1 felony and the defendant inflicted severe bodily~~
 10 ~~injury, or when the defendant was convicted of a violation of~~
 11 ~~Section 12-13, 12-14, or 12-14.1 of the Criminal Code of~~
 12 ~~1961, or where the defendant was convicted of armed violence~~
 13 ~~based upon the predicate offense of solicitation of murder,~~
 14 ~~solicitation of murder for hire, heinous battery, aggravated~~
 15 ~~battery of a senior citizen, criminal sexual assault, a~~
 16 ~~violation of subsection (g) of Section 5 of the Cannabis~~
 17 ~~Control Act, cannabis trafficking, a violation of subsection~~
 18 ~~(a) of Section 401 of the Illinois Controlled Substances Act,~~
 19 ~~controlled substance trafficking involving a Class X felony~~
 20 ~~amount of controlled substance under Section 401 of the~~
 21 ~~Illinois Controlled Substances Act, calculated criminal drug~~
 22 ~~conspiracy, or streetgang criminal drug conspiracy, in which~~
 23 ~~event the Court shall enter sentences to run consecutively.~~

24 (b-3) Sentences shall run concurrently unless otherwise
 25 specified by the court.

26 (c) (1) For sentences imposed under law in effect prior
 27 to February 1, 1978 the aggregate maximum of consecutive
 28 sentences shall not exceed the maximum term authorized
 29 under Section 5-8-1 for the 2 most serious felonies
 30 involved. The aggregate minimum period of consecutive
 31 sentences shall not exceed the highest minimum term
 32 authorized under Section 5-8-1 for the 2 most serious
 33 felonies involved. When sentenced only for misdemeanors,
 34 a defendant shall not be consecutively sentenced to more

1 than the maximum for one Class A misdemeanor.

2 (2) For sentences imposed under the law in effect
3 on or after February 1, 1978, the aggregate of
4 consecutive sentences for offenses that were committed as
5 part of a single course of conduct during which there was
6 no substantial change in the nature of the criminal
7 objective shall not exceed the sum of the maximum terms
8 authorized under Section 5-8-2 for the 2 most serious
9 felonies involved, but no such limitation shall apply for
10 offenses that were not committed as part of a single
11 course of conduct during which there was no substantial
12 change in the nature of the criminal objective. When
13 sentenced only for misdemeanors, a defendant shall not be
14 consecutively sentenced to more than the maximum for one
15 Class A misdemeanor.

16 (d) An offender serving a sentence for a misdemeanor who
17 is convicted of a felony and sentenced to imprisonment shall
18 be transferred to the Department of Corrections, and the
19 misdemeanor sentence shall be merged in and run concurrently
20 with the felony sentence.

21 (e) In determining the manner in which consecutive
22 sentences of imprisonment, one or more of which is for a
23 felony, will be served, the Department of Corrections shall
24 treat the offender as though he had been committed for a
25 single term with the following incidents:

26 (1) the maximum period of a term of imprisonment
27 shall consist of the aggregate of the maximums of the
28 imposed indeterminate terms, if any, plus the aggregate
29 of the imposed determinate sentences for felonies plus
30 the aggregate of the imposed determinate sentences for
31 misdemeanors subject to paragraph (c) of this Section;

32 (2) the parole or mandatory supervised release term
33 shall be as provided in paragraph (e) of Section 5-8-1 of
34 this Code for the most serious of the offenses involved;

1 (3) the minimum period of imprisonment shall be the
2 aggregate of the minimum and determinate periods of
3 imprisonment imposed by the court, subject to paragraph
4 (c) of this Section; and

5 (4) the offender shall be awarded credit against
6 the aggregate maximum term and the aggregate minimum term
7 of imprisonment for all time served in an institution
8 since the commission of the offense or offenses and as a
9 consequence thereof at the rate specified in Section
10 3-6-3 of this Code.

11 (f) A sentence of an offender committed to the
12 Department of Corrections at the time of the commission of
13 the offense shall be served consecutive to the sentence under
14 which he is held by the Department of Corrections. However,
15 in case such offender shall be sentenced to punishment by
16 death, the sentence shall be executed at such time as the
17 court may fix without regard to the sentence under which such
18 offender may be held by the Department.

19 (g) A sentence under Section 3-6-4 for escape or
20 attempted escape shall be served consecutive to the terms
21 under which the offender is held by the Department of
22 Corrections.

23 (h) If a person charged with a felony commits a separate
24 felony while on pre-trial release or in pretrial detention in
25 a county jail facility or county detention facility, the
26 sentences imposed upon conviction of these felonies shall be
27 served consecutively regardless of the order in which the
28 judgments of conviction are entered.

29 (i) If a person admitted to bail following conviction of
30 a felony commits a separate felony while free on bond or if a
31 person detained in a county jail facility or county detention
32 facility following conviction of a felony commits a separate
33 felony while in detention, any sentence following conviction
34 of the separate felony shall be consecutive to that of the

1 original sentence for which the defendant was on bond or
2 detained.

3 (Source: P.A. 91-144, eff. 1-1-00; 91-404, eff. 1-1-00;
4 92-16, eff. 6-28-01.)

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.