

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  
5 by changing Section 5-8-1 as follows:

6 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

7 Sec. 5-8-1. Sentence of imprisonment for a felony.

8 (a) Except as otherwise provided in the statute defining  
9 the offense, a sentence of imprisonment for a felony shall be  
10 a determinate sentence set by the court under this Section,  
11 according to the following limitations:

12 (1) for first degree murder,

13 (a) a term shall be not less than 20 years and  
14 not more than 60 years, or

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

24 (c) the court shall sentence the defendant to  
25 a term of natural life imprisonment when the death  
26 penalty is not imposed if the defendant,

27 (i) has previously been convicted of  
28 first degree murder under any state or federal  
29 law, or

30 (ii) is a person who, at the time of the  
31 commission of the murder, had attained the age

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

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

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

25 (v) is found guilty of murdering an  
26 emergency medical technician - ambulance,  
27 emergency medical technician - intermediate,  
28 emergency medical technician - paramedic,  
29 ambulance driver or other medical assistance or  
30 first aid person while employed by a  
31 municipality or other governmental unit when  
32 the person was killed in the course of  
33 performing official duties or to prevent the  
34 person from performing official duties or in

1           retaliation for performing official duties and  
2           the defendant knew or should have known that  
3           the murdered individual was an emergency  
4           medical technician - ambulance, emergency  
5           medical technician - intermediate, emergency  
6           medical technician - paramedic, ambulance  
7           driver, or other medical assistant or first aid  
8           personnel, or

9           (vi) is a person who, at the time of the  
10          commission of the murder, had not attained the  
11          age of 17, and is found guilty of murdering a  
12          person under 12 years of age and the murder is  
13          committed during the course of aggravated  
14          criminal sexual assault, criminal sexual  
15          assault, or aggravated kidnaping, or

16          (vii) is found guilty of first degree  
17          murder and the murder was committed by reason  
18          of any person's activity as a community  
19          policing volunteer or to prevent any person  
20          from engaging in activity as a community  
21          policing volunteer. For the purpose of this  
22          Section, "community policing volunteer" has the  
23          meaning ascribed to it in Section 2-3.5 of the  
24          Criminal Code of 1961.

25          For purposes of clause (v), "emergency medical  
26          technician - ambulance", "emergency medical  
27          technician - intermediate", "emergency medical  
28          technician - paramedic", have the meanings ascribed  
29          to them in the Emergency Medical Services (EMS)  
30          Systems Act.

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

1           (ii) if, during the commission of the  
2 offense, the person personally discharged a  
3 firearm, 20 years shall be added to the term of  
4 imprisonment imposed by the court;

5           (iii) if, during the commission of the  
6 offense, the person personally discharged a  
7 firearm that proximately caused great bodily  
8 harm, permanent disability, permanent  
9 disfigurement, or death to another person, 25  
10 years or up to a term of natural life shall be  
11 added to the term of imprisonment imposed by  
12 the court.

13           (1.5) for second degree murder, a term shall be not  
14 less than 4 years and not more than 20 years;

15           (2) for a person adjudged a habitual criminal under  
16 Article 33B of the Criminal Code of 1961, as amended, the  
17 sentence shall be a term of natural life imprisonment;

18           (2.5) for a person convicted under the  
19 circumstances described in paragraph (3) of subsection  
20 (b) of Section 12-13, paragraph (2) of subsection (d) of  
21 Section 12-14, paragraph (1.2) of subsection (b) of  
22 Section 12-14.1, or paragraph (2) of subsection (b) of  
23 Section 12-14.1 of the Criminal Code of 1961, the  
24 sentence shall be a term of natural life imprisonment;

25           (3) except as otherwise provided in the statute  
26 defining the offense, for a Class X felony, the sentence  
27 shall be not less than 6 years and not more than 30  
28 years;

29           (4) for a Class 1 felony, other than second degree  
30 murder, the sentence shall be not less than 4 years and  
31 not more than 15 years;

32           (5) for a Class 2 felony, the sentence shall be not  
33 less than 3 years and not more than 7 years;

34           (6) for a Class 3 felony, the sentence shall be not

1 less than 2 years and not more than 5 years;

2 (7) for a Class 4 felony, the sentence shall be not  
3 less than 1 year and not more than 3 years.

4 (b) The sentencing judge in each felony conviction shall  
5 set forth his reasons for imposing the particular sentence he  
6 enters in the case, as provided in Section 5-4-1 of this  
7 Code. Those reasons may include any mitigating or  
8 aggravating factors specified in this Code, or the lack of  
9 any such circumstances, as well as any other such factors as  
10 the judge shall set forth on the record that are consistent  
11 with the purposes and principles of sentencing set out in  
12 this Code.

13 (c) A motion to reduce a sentence may be made, or the  
14 court may reduce a sentence without motion, within 30 days  
15 after the sentence is imposed. A defendant's challenge to  
16 the correctness of a sentence or to any aspect of the  
17 sentencing hearing shall be made by a written motion filed  
18 within 30 days following the imposition of sentence.  
19 However, the court may not increase a sentence once it is  
20 imposed.

21 If a motion filed pursuant to this subsection is timely  
22 filed within 30 days after the sentence is imposed, the  
23 proponent of the motion shall exercise due diligence in  
24 seeking a determination on the motion and the court shall  
25 thereafter decide such motion within a reasonable time.

26 If a motion filed pursuant to this subsection is timely  
27 filed within 30 days after the sentence is imposed, then for  
28 purposes of perfecting an appeal, a final judgment shall not  
29 be considered to have been entered until the motion to reduce  
30 a sentence has been decided by order entered by the trial  
31 court.

32 A motion filed pursuant to this subsection shall not be  
33 considered to have been timely filed unless it is filed with  
34 the circuit court clerk within 30 days after the sentence is

1 imposed together with a notice of motion, which notice of  
2 motion shall set the motion on the court's calendar on a date  
3 certain within a reasonable time after the date of filing.

4 (d) Except where a term of natural life is imposed,  
5 every sentence shall include as though written therein a term  
6 in addition to the term of imprisonment. For those sentenced  
7 under the law in effect prior to February 1, 1978, such term  
8 shall be identified as a parole term. For those sentenced on  
9 or after February 1, 1978, such term shall be identified as a  
10 mandatory supervised release term. Subject to earlier  
11 termination under Section 3-3-8, the parole or mandatory  
12 supervised release term shall be as follows:

13 (1) for first degree murder or a Class X felony, 3  
14 years;

15 (2) for a Class 1 felony or a Class 2 felony, 2  
16 years;

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

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

25 (5) if the victim is under 18 years of age, for a  
26 second or subsequent offense of aggravated criminal  
27 sexual abuse or felony criminal sexual abuse, 4 years, at  
28 least the first 2 years of which the defendant shall  
29 serve in an electronic home detention program under  
30 Article 8A of Chapter V of this Code.

31 (e) A defendant who has a previous and unexpired  
32 sentence of imprisonment imposed by another state or by any  
33 district court of the United States and who, after sentence  
34 for a crime in Illinois, must return to serve the unexpired

1 prior sentence may have his sentence by the Illinois court  
2 ordered to be concurrent with the prior sentence in the other  
3 state. The court may order that any time served on the  
4 unexpired portion of the sentence in the other state, prior  
5 to his return to Illinois, shall be credited on his Illinois  
6 sentence. The other state shall be furnished with a copy of  
7 the order imposing sentence which shall provide that, when  
8 the offender is released from confinement of the other state,  
9 whether by parole or by termination of sentence, the offender  
10 shall be transferred by the Sheriff of the committing county  
11 to the Illinois Department of Corrections. The court shall  
12 cause the Department of Corrections to be notified of such  
13 sentence at the time of commitment and to be provided with  
14 copies of all records regarding the sentence.

15 (f) A defendant who has a previous and unexpired  
16 sentence of imprisonment imposed by an Illinois circuit court  
17 for a crime in this State and who is subsequently sentenced  
18 to a term of imprisonment by another state or by any district  
19 court of the United States and who has served a term of  
20 imprisonment imposed by the other state or district court of  
21 the United States, and must return to serve the unexpired  
22 prior sentence imposed by the Illinois Circuit Court may  
23 apply to the court which imposed sentence to have his  
24 sentence reduced.

25 The circuit court may order that any time served on the  
26 sentence imposed by the other state or district court of the  
27 United States be credited on his Illinois sentence. Such  
28 application for reduction of a sentence under this  
29 subsection (f) shall be made within 30 days after the  
30 defendant has completed the sentence imposed by the other  
31 state or district court of the United States.

32 (Source: P.A. 91-279, eff. 1-1-00; 91-404, eff. 1-1-00;  
33 91-953, eff. 2-23-01; 92-16, eff. 6-28-01.)