



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB2991

by Rep. Justin Slaughter

#### SYNOPSIS AS INTRODUCED:

730 ILCS 5/8-2-4

from Ch. 38, par. 1008-2-4

Amends the Unified Code of Corrections. Provides that if a person has been convicted of an offense whose penalty was reduced after conviction but before sentencing the court shall impose the sentence for the offense under the reduced penalty. Provides that if a person serving sentence for an offense whose penalty was reduced after sentencing, the court shall conduct a new sentencing hearing and impose a reduced sentence as provided in the statute that reduced the penalty for the offense. Provides that if the person is serving a sentence that has not expired but would have expired because of the reduced penalty, the person's sentence shall be reduced to time served and the person shall be discharged from a facility in which he or she is serving a sentence of imprisonment or if serving parole, mandatory supervised release, probation, conditional discharge, or other conditions of release, the person shall be discharged from parole, mandatory supervised release, probation, conditional discharge, or other conditions of release.

LRB100 10171 RLC 20352 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 Section 8-2-4 as follows:

6 (730 ILCS 5/8-2-4) (from Ch. 38, par. 1008-2-4)

7 Sec. 8-2-4. Prosecutions Continued; Applicable Sentencing  
8 Provisions; Statutory Reduction of Sentence.

9 (a) Prosecution for any violation of law occurring prior to  
10 January 1, 1973, is not affected or abated by the Unified Code  
11 of Corrections. If the offense being prosecuted has not reached  
12 the sentencing stage or a final adjudication by January 1,  
13 1973, then for purposes of sentencing the sentences under the  
14 Unified Code of Corrections apply if they are less than under  
15 the prior law upon which the prosecution was commenced.

16 (b) Prosecution for any violation of law occurring before  
17 the effective date of this amendatory Act of 1977 is not  
18 affected or abated by this amendatory Act of 1977. If the  
19 defendant has not been sentenced before the effective date of  
20 this amendatory Act of 1977, he shall have the right to elect  
21 to be sentenced under the law as it existed at the time of his  
22 offense or under the law in effect on and after the effective  
23 date of this amendatory Act of 1977. If a sentence has been

1 imposed before the effective date of this amendatory Act of  
2 1977, the defendant shall not have the right of election even  
3 though his case has not been finally adjudicated on appeal;  
4 however, where eligible, he shall have the rights provided by  
5 Section 3-3-2.1 of this Code.

6 (c) If a person has been convicted of an offense whose  
7 penalty was reduced after conviction but before sentencing the  
8 court shall impose the sentence for the offense under the  
9 reduced penalty.

10 (d) If a person serving sentence for an offense whose  
11 penalty was reduced after sentencing, the court shall conduct a  
12 new sentencing hearing and impose a reduced sentence as  
13 provided in the statute that reduced the penalty for the  
14 offense. If the person is serving a sentence that has not  
15 expired but would have expired because of the reduced penalty,  
16 the person's sentence shall be reduced to time served and the  
17 person shall be discharged from a facility in which he or she  
18 is serving a sentence of imprisonment or if serving parole,  
19 mandatory supervised release, probation, conditional  
20 discharge, or other conditions of release, the person shall be  
21 discharged from parole, mandatory supervised release,  
22 probation, conditional discharge, or other conditions of  
23 release.

24 (Source: P.A. 80-1099.)