



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4049

Introduced 4/27/2023, by Rep. David Friess - Patrick Windhorst, Dennis Tipsword, Jr., Tony M. McCombie and Kevin Schmidt

SYNOPSIS AS INTRODUCED:

725 ILCS 5/110-5
730 ILCS 5/5-8-4

from Ch. 38, par. 110-5
from Ch. 38, par. 1005-8-4

Amends the Code of Criminal Procedure of 1963. Restores the provisions concerning consecutive sentencing prior to the effective date of Public Act 102-1104. Deletes provisions that a defendant shall be given custodial credit for each day he or she was subjected to home confinement. Deletes provisions that the court may give custodial credit to a defendant for each day the defendant was subjected to GPS monitoring without home confinement or electronic monitoring without home confinement.

LRB103 31722 RLC 60304 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 Code of Criminal Procedure of 1963 is
5 amended by changing Section 110-5 as follows:

6 (725 ILCS 5/110-5) (from Ch. 38, par. 110-5)

7 Sec. 110-5. Determining the amount of bail and conditions
8 of release.

9 (a) In determining which conditions of pretrial release,
10 if any, will reasonably ensure the appearance of a defendant
11 as required or the safety of any other person or the community
12 and the likelihood of compliance by the defendant with all the
13 conditions of pretrial release, the court shall, on the basis
14 of available information, take into account such matters as:

15 (1) the nature and circumstances of the offense
16 charged;

17 (2) the weight of the evidence against the defendant,
18 except that the court may consider the admissibility of
19 any evidence sought to be excluded;

20 (3) the history and characteristics of the defendant,
21 including:

22 (A) the defendant's character, physical and mental
23 condition, family ties, employment, financial

1 resources, length of residence in the community,
2 community ties, past relating to drug or alcohol
3 abuse, conduct, history criminal history, and record
4 concerning appearance at court proceedings; and

5 (B) whether, at the time of the current offense or
6 arrest, the defendant was on probation, parole, or on
7 other release pending trial, sentencing, appeal, or
8 completion of sentence for an offense under federal
9 law, or the law of this or any other state;

10 (4) the nature and seriousness of the real and present
11 threat to the safety of any person or persons or the
12 community, based on the specific articulable facts of the
13 case, that would be posed by the defendant's release, if
14 applicable, as required under paragraph (7.5) of Section 4
15 of the Rights of Crime Victims and Witnesses Act;

16 (5) the nature and seriousness of the risk of
17 obstructing or attempting to obstruct the criminal justice
18 process that would be posed by the defendant's release, if
19 applicable;

20 (6) when a person is charged with a violation of a
21 protective order, domestic battery, aggravated domestic
22 battery, kidnapping, aggravated kidnaping, unlawful
23 restraint, aggravated unlawful restraint, cyberstalking,
24 harassment by telephone, harassment through electronic
25 communications, or an attempt to commit first degree
26 murder committed against a spouse or a current or former

1 partner in a cohabitation or dating relationship,
2 regardless of whether an order of protection has been
3 issued against the person, the court may consider the
4 following additional factors:

5 (A) whether the alleged incident involved
6 harassment or abuse, as defined in the Illinois
7 Domestic Violence Act of 1986;

8 (B) whether the person has a history of domestic
9 violence, as defined in the Illinois Domestic Violence
10 Act of 1986, or a history of other criminal acts;

11 (C) the mental health of the person;

12 (D) whether the person has a history of violating
13 the orders of any court or governmental entity;

14 (E) whether the person has been, or is,
15 potentially a threat to any other person;

16 (F) whether the person has access to deadly
17 weapons or a history of using deadly weapons;

18 (G) whether the person has a history of abusing
19 alcohol or any controlled substance;

20 (H) the severity of the alleged incident that is
21 the basis of the alleged offense, including, but not
22 limited to, the duration of the current incident, and
23 whether the alleged incident involved the use of a
24 weapon, physical injury, sexual assault,
25 strangulation, abuse during the alleged victim's
26 pregnancy, abuse of pets, or forcible entry to gain

1 access to the alleged victim;

2 (I) whether a separation of the person from the
3 victim of abuse or a termination of the relationship
4 between the person and the victim of abuse has
5 recently occurred or is pending;

6 (J) whether the person has exhibited obsessive or
7 controlling behaviors toward the victim of abuse,
8 including, but not limited to, stalking, surveillance,
9 or isolation of the victim of abuse or the victim's
10 family member or members;

11 (K) whether the person has expressed suicidal or
12 homicidal ideations; and

13 (L) any other factors deemed by the court to have a
14 reasonable bearing upon the defendant's propensity or
15 reputation for violent, abusive, or assaultive
16 behavior, or lack of that behavior.

17 (7) in cases of stalking or aggravated stalking under
18 Section 12-7.3 or 12-7.4 of the Criminal Code of 2012, the
19 court may consider the factors listed in paragraph (6) and
20 the following additional factors:

21 (A) any evidence of the defendant's prior criminal
22 history indicative of violent, abusive or assaultive
23 behavior, or lack of that behavior; the evidence may
24 include testimony or documents received in juvenile
25 proceedings, criminal, quasi-criminal, civil
26 commitment, domestic relations, or other proceedings;

1 (B) any evidence of the defendant's psychological,
2 psychiatric, or other similar social history that
3 tends to indicate a violent, abusive, or assaultive
4 nature, or lack of any such history;

5 (C) the nature of the threat that is the basis of
6 the charge against the defendant;

7 (D) any statements made by, or attributed to, the
8 defendant, together with the circumstances surrounding
9 them;

10 (E) the age and physical condition of any person
11 allegedly assaulted by the defendant;

12 (F) whether the defendant is known to possess or
13 have access to any weapon or weapons; and

14 (G) any other factors deemed by the court to have a
15 reasonable bearing upon the defendant's propensity or
16 reputation for violent, abusive, or assaultive
17 behavior, or lack of that behavior.

18 (b) The court may use a regularly validated risk
19 assessment tool to aid its determination of appropriate
20 conditions of release as provided under Section 110-6.4. If a
21 risk assessment tool is used, the defendant's counsel shall be
22 provided with the information and scoring system of the risk
23 assessment tool used to arrive at the determination. The
24 defendant retains the right to challenge the validity of a
25 risk assessment tool used by the court and to present evidence
26 relevant to the defendant's challenge.

1 (c) The court shall impose any conditions that are
2 mandatory under subsection (a) of Section 110-10. The court
3 may impose any conditions that are permissible under
4 subsection (b) of Section 110-10. The conditions of release
5 imposed shall be the least restrictive conditions or
6 combination of conditions necessary to reasonably ensure the
7 appearance of the defendant as required or the safety of any
8 other person or persons or the community.

9 (d) When a person is charged with a violation of a
10 protective order, the court may order the defendant placed
11 under electronic surveillance as a condition of pretrial
12 release, as provided in Section 5-8A-7 of the Unified Code of
13 Corrections, based on the information collected under
14 paragraph (6) of subsection (a) of this Section, the results
15 of any assessment conducted, or other circumstances of the
16 violation.

17 (e) If a person remains in pretrial detention 48 hours
18 after having been ordered released with pretrial conditions,
19 the court shall hold a hearing to determine the reason for
20 continued detention. If the reason for continued detention is
21 due to the unavailability or the defendant's ineligibility for
22 one or more pretrial conditions previously ordered by the
23 court or directed by a pretrial services agency, the court
24 shall reopen the conditions of release hearing to determine
25 what available pretrial conditions exist that will reasonably
26 ensure the appearance of a defendant as required, the safety

1 of any other person, and the likelihood of compliance by the
2 defendant with all the conditions of pretrial release. The
3 inability of the defendant to pay for a condition of release or
4 any other ineligibility for a condition of pretrial release
5 shall not be used as a justification for the pretrial
6 detention of that defendant.

7 (f) Prior to the defendant's first appearance, and with
8 sufficient time for meaningful attorney-client contact to
9 gather information in order to advocate effectively for the
10 defendant's pretrial release, the court shall appoint the
11 public defender or a licensed attorney at law of this State to
12 represent the defendant for purposes of that hearing, unless
13 the defendant has obtained licensed counsel. Defense counsel
14 shall have access to the same documentary information relied
15 upon by the prosecution and presented to the court.

16 (f-5) At each subsequent appearance of the defendant
17 before the court, the judge must find that the current
18 conditions imposed are necessary to reasonably ensure the
19 appearance of the defendant as required, the safety of any
20 other person, and the compliance of the defendant with all the
21 conditions of pretrial release. The court is not required to
22 be presented with new information or a change in circumstance
23 to remove pretrial conditions.

24 (g) Electronic monitoring, GPS monitoring, or home
25 confinement can only be imposed as a condition of pretrial
26 release if a no less restrictive condition of release or

1 combination of less restrictive condition of release would
2 reasonably ensure the appearance of the defendant for later
3 hearings or protect an identifiable person or persons from
4 imminent threat of serious physical harm.

5 (h) If the court imposes electronic monitoring, GPS
6 monitoring, or home confinement, the court shall set forth in
7 the record the basis for its finding. ~~A defendant shall be
8 given custodial credit for each day he or she was subjected to
9 home confinement, at the same rate described in subsection (b)
10 of Section 5-4.5-100 of the Unified Code of Corrections. The
11 court may give custodial credit to a defendant for each day the
12 defendant was subjected to GPS monitoring without home
13 confinement or electronic monitoring without home confinement.~~

14 (i) If electronic monitoring, GPS monitoring, or home
15 confinement is imposed, the court shall determine every 60
16 days if no less restrictive condition of release or
17 combination of less restrictive conditions of release would
18 reasonably ensure the appearance, or continued appearance, of
19 the defendant for later hearings or protect an identifiable
20 person or persons from imminent threat of serious physical
21 harm. If the court finds that there are less restrictive
22 conditions of release, the court shall order that the
23 condition be removed. This subsection takes effect January 1,
24 2022.

25 (j) Crime Victims shall be given notice by the State's
26 Attorney's office of this hearing as required in paragraph (1)

1 of subsection (b) of Section 4.5 of the Rights of Crime Victims
2 and Witnesses Act and shall be informed of their opportunity
3 at this hearing to obtain a protective order.

4 (k) The State and defendants may appeal court orders
5 imposing conditions of pretrial release.

6 (Source: P.A. 101-652, eff. 1-1-23; 102-28, eff. 6-25-21;
7 102-558, eff. 8-20-21; 102-813, eff. 5-13-22; 102-1104, eff.
8 1-1-23.)

9 Section 10. The Unified Code of Corrections is amended by
10 changing Section 5-8-4 as follows:

11 (730 ILCS 5/5-8-4) (from Ch. 38, par. 1005-8-4)

12 (Text of Section before amendment by P.A. 102-982)

13 Sec. 5-8-4. Concurrent and consecutive terms of
14 imprisonment.

15 (a) Concurrent terms; multiple or additional sentences.
16 When an Illinois court (i) imposes multiple sentences of
17 imprisonment on a defendant at the same time or (ii) imposes a
18 sentence of imprisonment on a defendant who is already subject
19 to a sentence of imprisonment imposed by an Illinois court, a
20 court of another state, or a federal court, then the sentences
21 shall run concurrently unless otherwise determined by the
22 Illinois court under this Section.

23 (b) Concurrent terms; misdemeanor and felony. A defendant
24 serving a sentence for a misdemeanor who is convicted of a

1 felony and sentenced to imprisonment shall be transferred to
2 the Department of Corrections, and the misdemeanor sentence
3 shall be merged in and run concurrently with the felony
4 sentence.

5 (c) Consecutive terms; permissive. The court may impose
6 consecutive sentences in any of the following circumstances:

7 (1) If, having regard to the nature and circumstances
8 of the offense and the history and character of the
9 defendant, it is the opinion of the court that consecutive
10 sentences are required to protect the public from further
11 criminal conduct by the defendant, the basis for which the
12 court shall set forth in the record.

13 (2) If one of the offenses for which a defendant was
14 convicted was a violation of Section 32-5.2 (aggravated
15 false personation of a peace officer) of the Criminal Code
16 of 1961 (720 ILCS 5/32-5.2) or a violation of subdivision
17 (b) (5) or (b) (6) of Section 17-2 of the Criminal Code of
18 1961 or the Criminal Code of 2012 (720 ILCS 5/17-2) and the
19 offense was committed in attempting or committing a
20 forcible felony.

21 (3) If a person charged with a felony commits a
22 separate felony while on pretrial release or in pretrial
23 detention in a county jail facility or county detention
24 facility, then the sentences imposed upon conviction of
25 these felonies may be served consecutively regardless of
26 the order in which the judgments of conviction are

1 entered.

2 (4) If a person commits a battery against a county
3 correctional officer or sheriff's employee while serving a
4 sentence or in pretrial detention in a county jail
5 facility, then the sentence imposed upon conviction of the
6 battery may be served consecutively with the sentence
7 imposed upon conviction of the earlier misdemeanor or
8 felony, regardless of the order in which the judgments of
9 conviction are entered.

10 (5) If a person admitted to pretrial release following
11 conviction of a felony commits a separate felony while
12 released pretrial or if a person detained in a county jail
13 facility or county detention facility following conviction
14 of a felony commits a separate felony while in detention,
15 then any sentence following conviction of the separate
16 felony may be consecutive to that of the original sentence
17 for which the defendant was released pretrial or detained.

18 (6) If a person is found to be in possession of an item
19 of contraband, as defined in Section 31A-0.1 of the
20 Criminal Code of 2012, while serving a sentence in a
21 county jail or while in pretrial detention in a county
22 jail, the sentence imposed upon conviction for the offense
23 of possessing contraband in a penal institution may be
24 served consecutively to the sentence imposed for the
25 offense for which the person is serving a sentence in the
26 county jail or while in pretrial detention, regardless of

1 the order in which the judgments of conviction are
2 entered.

3 (7) If a person is sentenced for a violation of a
4 condition of pretrial release under Section 32-10 of the
5 Criminal Code of 1961 or the Criminal Code of 2012, any
6 sentence imposed for that violation may be served
7 consecutive to the sentence imposed for the charge for
8 which pretrial release had been granted and with respect
9 to which the defendant has been convicted.

10 (d) Consecutive terms; mandatory. The court shall impose
11 consecutive sentences in each of the following circumstances:

12 (1) One of the offenses for which the defendant was
13 convicted was first degree murder or a Class X or Class 1
14 felony and the defendant inflicted severe bodily injury.

15 (2) The defendant was convicted of a violation of
16 Section 11-1.20 or 12-13 (criminal sexual assault),
17 11-1.30 or 12-14 (aggravated criminal sexual assault), or
18 11-1.40 or 12-14.1 (predatory criminal sexual assault of a
19 child) of the Criminal Code of 1961 or the Criminal Code of
20 2012 (720 ILCS 5/11-20.1, 5/11-20.1B, 5/11-20.3,
21 5/11-1.20, 5/12-13, 5/11-1.30, 5/12-14, 5/11-1.40, or
22 5/12-14.1).

23 (2.5) The defendant was convicted of a violation of
24 paragraph (1), (2), (3), (4), (5), or (7) of subsection
25 (a) of Section 11-20.1 (child pornography) or of paragraph
26 (1), (2), (3), (4), (5), or (7) of subsection (a) of

1 Section 11-20.1B or 11-20.3 (aggravated child pornography)
2 of the Criminal Code of 1961 or the Criminal Code of 2012;
3 or the defendant was convicted of a violation of paragraph
4 (6) of subsection (a) of Section 11-20.1 (child
5 pornography) or of paragraph (6) of subsection (a) of
6 Section 11-20.1B or 11-20.3 (aggravated child pornography)
7 of the Criminal Code of 1961 or the Criminal Code of 2012,
8 when the child depicted is under the age of 13.

9 (3) The defendant was convicted of armed violence
10 based upon the predicate offense of any of the following:
11 solicitation of murder, solicitation of murder for hire,
12 heinous battery as described in Section 12-4.1 or
13 subdivision (a)(2) of Section 12-3.05, aggravated battery
14 of a senior citizen as described in Section 12-4.6 or
15 subdivision (a)(4) of Section 12-3.05, criminal sexual
16 assault, a violation of subsection (g) of Section 5 of the
17 Cannabis Control Act (720 ILCS 550/5), cannabis
18 trafficking, a violation of subsection (a) of Section 401
19 of the Illinois Controlled Substances Act (720 ILCS
20 570/401), controlled substance trafficking involving a
21 Class X felony amount of controlled substance under
22 Section 401 of the Illinois Controlled Substances Act (720
23 ILCS 570/401), a violation of the Methamphetamine Control
24 and Community Protection Act (720 ILCS 646/), calculated
25 criminal drug conspiracy, or streetgang criminal drug
26 conspiracy.

1 (4) The defendant was convicted of the offense of
2 leaving the scene of a motor vehicle accident involving
3 death or personal injuries under Section 11-401 of the
4 Illinois Vehicle Code (625 ILCS 5/11-401) and either: (A)
5 aggravated driving under the influence of alcohol, other
6 drug or drugs, or intoxicating compound or compounds, or
7 any combination thereof under Section 11-501 of the
8 Illinois Vehicle Code (625 ILCS 5/11-501), (B) reckless
9 homicide under Section 9-3 of the Criminal Code of 1961 or
10 the Criminal Code of 2012 (720 ILCS 5/9-3), or (C) both an
11 offense described in item (A) and an offense described in
12 item (B).

13 (5) The defendant was convicted of a violation of
14 Section 9-3.1 or Section 9-3.4 (concealment of homicidal
15 death) or Section 12-20.5 (dismembering a human body) of
16 the Criminal Code of 1961 or the Criminal Code of 2012 (720
17 ILCS 5/9-3.1 or 5/12-20.5).

18 (5.5) The defendant was convicted of a violation of
19 Section 24-3.7 (use of a stolen firearm in the commission
20 of an offense) of the Criminal Code of 1961 or the Criminal
21 Code of 2012.

22 (6) If the defendant was in the custody of the
23 Department of Corrections at the time of the commission of
24 the offense, the sentence shall be served consecutive to
25 the sentence under which the defendant is held by the
26 Department of Corrections.

1 (7) A sentence under Section 3-6-4 (730 ILCS 5/3-6-4)
2 for escape or attempted escape shall be served consecutive
3 to the terms under which the offender is held by the
4 Department of Corrections.

5 (8) (Blank).

6 (8.5) (Blank).

7 (9) (Blank).

8 (10) (Blank).

9 (11) (Blank).

10 (e) Consecutive terms; subsequent non-Illinois term. If an
11 Illinois court has imposed a sentence of imprisonment on a
12 defendant and the defendant is subsequently sentenced to a
13 term of imprisonment by a court of another state or a federal
14 court, then the Illinois sentence shall run consecutively to
15 the sentence imposed by the court of the other state or the
16 federal court. That same Illinois court, however, may order
17 that the Illinois sentence run concurrently with the sentence
18 imposed by the court of the other state or the federal court,
19 but only if the defendant applies to that same Illinois court
20 within 30 days after the sentence imposed by the court of the
21 other state or the federal court is finalized.

22 (f) Consecutive terms; aggregate maximums and minimums.
23 The aggregate maximum and aggregate minimum of consecutive
24 sentences shall be determined as follows:

25 (1) For sentences imposed under law in effect prior to
26 February 1, 1978, the aggregate maximum of consecutive

1 sentences shall not exceed the maximum term authorized
2 under Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of
3 Chapter V for the 2 most serious felonies involved. The
4 aggregate minimum period of consecutive sentences shall
5 not exceed the highest minimum term authorized under
6 Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of Chapter
7 V for the 2 most serious felonies involved. When sentenced
8 only for misdemeanors, a defendant shall not be
9 consecutively sentenced to more than the maximum for one
10 Class A misdemeanor.

11 (2) For sentences imposed under the law in effect on
12 or after February 1, 1978, the aggregate of consecutive
13 sentences for offenses that were committed as part of a
14 single course of conduct during which there was no
15 substantial change in the nature of the criminal objective
16 shall not exceed the sum of the maximum terms authorized
17 under Article 4.5 of Chapter V for the 2 most serious
18 felonies involved, but no such limitation shall apply for
19 offenses that were not committed as part of a single
20 course of conduct during which there was no substantial
21 change in the nature of the criminal objective. When
22 sentenced only for misdemeanors, a defendant shall not be
23 consecutively sentenced to more than the maximum for one
24 Class A misdemeanor.

25 (g) Consecutive terms; manner served. In determining the
26 manner in which consecutive sentences of imprisonment, one or

1 more of which is for a felony, will be served, the Department
2 of Corrections shall treat the defendant as though he or she
3 had been committed for a single term subject to each of the
4 following:

5 (1) The maximum period of a term of imprisonment shall
6 consist of the aggregate of the maximums of the imposed
7 indeterminate terms, if any, plus the aggregate of the
8 imposed determinate sentences for felonies, plus the
9 aggregate of the imposed determinate sentences for
10 misdemeanors, subject to subsection (f) of this Section.

11 (2) The parole or mandatory supervised release term
12 shall be as provided in paragraph (e) of Section 5-4.5-50
13 (730 ILCS 5/5-4.5-50) for the most serious of the offenses
14 involved.

15 (3) The minimum period of imprisonment shall be the
16 aggregate of the minimum and determinate periods of
17 imprisonment imposed by the court, subject to subsection
18 (f) of this Section.

19 (4) The defendant shall be awarded credit against the
20 aggregate maximum term and the aggregate minimum term of
21 imprisonment for all time served in an institution since
22 the commission of the offense or offenses and as a
23 consequence thereof at the rate specified in Section 3-6-3
24 (730 ILCS 5/3-6-3).

25 (h) Notwithstanding any other provisions of this Section,
26 all sentences imposed by an Illinois court under this Code

1 shall run concurrent to any and all sentences imposed under
2 the Juvenile Court Act of 1987.

3 (Source: P.A. 102-350, eff. 8-13-21; 102-1104, eff. 12-6-22.)

4 (Text of Section after amendment by P.A. 102-982)

5 Sec. 5-8-4. Concurrent and consecutive terms of
6 imprisonment.

7 (a) Concurrent terms; multiple or additional sentences.
8 When an Illinois court (i) imposes multiple sentences of
9 imprisonment on a defendant at the same time or (ii) imposes a
10 sentence of imprisonment on a defendant who is already subject
11 to a sentence of imprisonment imposed by an Illinois court, a
12 court of another state, or a federal court, then the sentences
13 shall run concurrently unless otherwise determined by the
14 Illinois court under this Section.

15 (b) Concurrent terms; misdemeanor and felony. A defendant
16 serving a sentence for a misdemeanor who is convicted of a
17 felony and sentenced to imprisonment shall be transferred to
18 the Department of Corrections, and the misdemeanor sentence
19 shall be merged in and run concurrently with the felony
20 sentence.

21 (c) Consecutive terms; permissive. The court may impose
22 consecutive sentences in any of the following circumstances:

23 (1) If, having regard to the nature and circumstances
24 of the offense and the history and character of the
25 defendant, it is the opinion of the court that consecutive

1 sentences are required to protect the public from further
2 criminal conduct by the defendant, the basis for which the
3 court shall set forth in the record.

4 (2) If one of the offenses for which a defendant was
5 convicted was a violation of Section 32-5.2 (aggravated
6 false personation of a peace officer) of the Criminal Code
7 of 1961 (720 ILCS 5/32-5.2) or a violation of subdivision
8 (b) (5) or (b) (6) of Section 17-2 of the Criminal Code of
9 1961 or the Criminal Code of 2012 (720 ILCS 5/17-2) and the
10 offense was committed in attempting or committing a
11 forcible felony.

12 (3) (Blank). ~~If a person charged with a felony commits~~
13 ~~a separate felony while on pretrial release or in pretrial~~
14 ~~detention in a county jail facility or county detention~~
15 ~~facility, then the sentences imposed upon conviction of~~
16 ~~these felonies may be served consecutively regardless of~~
17 ~~the order in which the judgments of conviction are~~
18 ~~entered.~~

19 (4) (Blank). ~~If a person commits a battery against a~~
20 ~~county correctional officer or sheriff's employee while~~
21 ~~-serving a sentence or in pretrial detention in a county~~
22 ~~jail facility, then the sentence imposed upon conviction~~
23 ~~of the battery may be served consecutively with the~~
24 ~~sentence imposed upon conviction of the earlier~~
25 ~~misdemeanor or felony, regardless of the order in which~~
26 ~~the judgments of conviction are entered.~~

1 (5) (Blank). ~~If a person admitted to pretrial release~~
2 ~~following conviction of a felony commits a separate felony~~
3 ~~while released pretrial or if a person detained in a~~
4 ~~county jail facility or county detention facility~~
5 ~~following conviction of a felony commits a separate felony~~
6 ~~while in detention, then any sentence following conviction~~
7 ~~of the separate felony may be consecutive to that of the~~
8 ~~original sentence for which the defendant was released~~
9 ~~pretrial or detained.~~

10 (6) (Blank). ~~If a person is found to be in possession~~
11 ~~of an item of contraband, as defined in Section 31A-0.1 of~~
12 ~~the Criminal Code of 2012, while serving a sentence in a~~
13 ~~county jail or while in pretrial detention in a county~~
14 ~~jail, the sentence imposed upon conviction for the offense~~
15 ~~of possessing contraband in a penal institution may be~~
16 ~~served consecutively to the sentence imposed for the~~
17 ~~offense for which the person is serving a sentence in the~~
18 ~~county jail or while in pretrial detention, regardless of~~
19 ~~the order in which the judgments of conviction are~~
20 ~~entered.~~

21 (7) (Blank). ~~If a person is sentenced for a violation~~
22 ~~of a condition of pretrial release under Section 32-10 of~~
23 ~~the Criminal Code of 1961 or the Criminal Code of 2012, any~~
24 ~~sentence imposed for that violation may be served~~
25 ~~consecutive to the sentence imposed for the charge for~~
26 ~~which pretrial release had been granted and with respect~~

1 ~~to which the defendant has been convicted.~~

2 (8.1) If a person charged with a felony commits a
3 separate felony while on pretrial release or in pretrial
4 detention in a county jail facility or county detention
5 facility, then the sentences imposed upon conviction of
6 these felonies shall be served consecutively regardless of
7 the order in which the judgments of conviction are
8 entered.

9 (8.2) If a person commits a battery against a county
10 correctional officer or sheriff's employee while serving a
11 sentence or in pretrial detention in a county jail
12 facility, then the sentence imposed upon conviction of the
13 battery shall be served consecutively with the sentence
14 imposed upon conviction of the earlier misdemeanor or
15 felony, regardless of the order in which the judgments of
16 conviction are entered.

17 (9.1) If a person admitted to bail following
18 conviction of a felony commits a separate felony while
19 free on bond or if a person detained in a county jail
20 facility or county detention facility following conviction
21 of a felony commits a separate felony while in detention,
22 then any sentence following conviction of the separate
23 felony shall be consecutive to that of the original
24 sentence for which the defendant was on bond or detained.

25 (10.1) If a person is found to be in possession of an
26 item of contraband, as defined in Section 31A-0.1 of the

1 Criminal Code of 2012, while serving a sentence in a
2 county jail or while in pre-trial detention in a county
3 jail, the sentence imposed upon conviction for the offense
4 of possessing contraband in a penal institution shall be
5 served consecutively to the sentence imposed for the
6 offense in which the person is serving sentence in the
7 county jail or serving pretrial detention, regardless of
8 the order in which the judgments of conviction are
9 entered.

10 (11.1) If a person is sentenced for a violation of
11 bail bond under Section 32-10 of the Criminal Code of 1961
12 or the Criminal Code of 2012, any sentence imposed for
13 that violation shall be served consecutive to the sentence
14 imposed for the charge for which bail had been granted and
15 with respect to which the defendant has been convicted.

16 (d) Consecutive terms; mandatory. The court shall impose
17 consecutive sentences in each of the following circumstances:

18 (1) One of the offenses for which the defendant was
19 convicted was first degree murder or a Class X or Class 1
20 felony and the defendant inflicted severe bodily injury.

21 (2) The defendant was convicted of a violation of
22 Section 11-1.20 or 12-13 (criminal sexual assault),
23 11-1.30 or 12-14 (aggravated criminal sexual assault), or
24 11-1.40 or 12-14.1 (predatory criminal sexual assault of a
25 child) of the Criminal Code of 1961 or the Criminal Code of
26 2012 (720 ILCS 5/11-20.1, 5/11-20.1B, 5/11-20.3,

1 5/11-1.20, 5/12-13, 5/11-1.30, 5/12-14, 5/11-1.40, or
2 5/12-14.1).

3 (2.5) The defendant was convicted of a violation of
4 paragraph (1), (2), (3), (4), (5), or (7) of subsection
5 (a) of Section 11-20.1 (child pornography) or of paragraph
6 (1), (2), (3), (4), (5), or (7) of subsection (a) of
7 Section 11-20.1B or 11-20.3 (aggravated child pornography)
8 of the Criminal Code of 1961 or the Criminal Code of 2012;
9 or the defendant was convicted of a violation of paragraph
10 (6) of subsection (a) of Section 11-20.1 (child
11 pornography) or of paragraph (6) of subsection (a) of
12 Section 11-20.1B or 11-20.3 (aggravated child pornography)
13 of the Criminal Code of 1961 or the Criminal Code of 2012,
14 when the child depicted is under the age of 13.

15 (3) The defendant was convicted of armed violence
16 based upon the predicate offense of any of the following:
17 solicitation of murder, solicitation of murder for hire,
18 heinous battery as described in Section 12-4.1 or
19 subdivision (a)(2) of Section 12-3.05, aggravated battery
20 of a senior citizen as described in Section 12-4.6 or
21 subdivision (a)(4) of Section 12-3.05, criminal sexual
22 assault, a violation of subsection (g) of Section 5 of the
23 Cannabis Control Act (720 ILCS 550/5), cannabis
24 trafficking, a violation of subsection (a) of Section 401
25 of the Illinois Controlled Substances Act (720 ILCS
26 570/401), controlled substance trafficking involving a

1 Class X felony amount of controlled substance under
2 Section 401 of the Illinois Controlled Substances Act (720
3 ILCS 570/401), a violation of the Methamphetamine Control
4 and Community Protection Act (720 ILCS 646/), calculated
5 criminal drug conspiracy, or streetgang criminal drug
6 conspiracy.

7 (4) The defendant was convicted of the offense of
8 leaving the scene of a motor vehicle crash involving death
9 or personal injuries under Section 11-401 of the Illinois
10 Vehicle Code (625 ILCS 5/11-401) and either: (A)
11 aggravated driving under the influence of alcohol, other
12 drug or drugs, or intoxicating compound or compounds, or
13 any combination thereof under Section 11-501 of the
14 Illinois Vehicle Code (625 ILCS 5/11-501), (B) reckless
15 homicide under Section 9-3 of the Criminal Code of 1961 or
16 the Criminal Code of 2012 (720 ILCS 5/9-3), or (C) both an
17 offense described in item (A) and an offense described in
18 item (B).

19 (5) The defendant was convicted of a violation of
20 Section 9-3.1 or Section 9-3.4 (concealment of homicidal
21 death) or Section 12-20.5 (dismembering a human body) of
22 the Criminal Code of 1961 or the Criminal Code of 2012 (720
23 ILCS 5/9-3.1 or 5/12-20.5).

24 (5.5) The defendant was convicted of a violation of
25 Section 24-3.7 (use of a stolen firearm in the commission
26 of an offense) of the Criminal Code of 1961 or the Criminal

1 Code of 2012.

2 (6) If the defendant was in the custody of the
3 Department of Corrections at the time of the commission of
4 the offense, the sentence shall be served consecutive to
5 the sentence under which the defendant is held by the
6 Department of Corrections.

7 (7) A sentence under Section 3-6-4 (730 ILCS 5/3-6-4)
8 for escape or attempted escape shall be served consecutive
9 to the terms under which the offender is held by the
10 Department of Corrections.

11 (8) (Blank).

12 (8.5) (Blank).

13 (9) (Blank).

14 (10) (Blank).

15 (11) (Blank).

16 (e) Consecutive terms; subsequent non-Illinois term. If an
17 Illinois court has imposed a sentence of imprisonment on a
18 defendant and the defendant is subsequently sentenced to a
19 term of imprisonment by a court of another state or a federal
20 court, then the Illinois sentence shall run consecutively to
21 the sentence imposed by the court of the other state or the
22 federal court. That same Illinois court, however, may order
23 that the Illinois sentence run concurrently with the sentence
24 imposed by the court of the other state or the federal court,
25 but only if the defendant applies to that same Illinois court
26 within 30 days after the sentence imposed by the court of the

1 other state or the federal court is finalized.

2 (f) Consecutive terms; aggregate maximums and minimums.
3 The aggregate maximum and aggregate minimum of consecutive
4 sentences shall be determined as follows:

5 (1) For sentences imposed under law in effect prior to
6 February 1, 1978, the aggregate maximum of consecutive
7 sentences shall not exceed the maximum term authorized
8 under Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of
9 Chapter V for the 2 most serious felonies involved. The
10 aggregate minimum period of consecutive sentences shall
11 not exceed the highest minimum term authorized under
12 Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of Chapter
13 V for the 2 most serious felonies involved. When sentenced
14 only for misdemeanors, a defendant shall not be
15 consecutively sentenced to more than the maximum for one
16 Class A misdemeanor.

17 (2) For sentences imposed under the law in effect on
18 or after February 1, 1978, the aggregate of consecutive
19 sentences for offenses that were committed as part of a
20 single course of conduct during which there was no
21 substantial change in the nature of the criminal objective
22 shall not exceed the sum of the maximum terms authorized
23 under Article 4.5 of Chapter V for the 2 most serious
24 felonies involved, but no such limitation shall apply for
25 offenses that were not committed as part of a single
26 course of conduct during which there was no substantial

1 change in the nature of the criminal objective. When
2 sentenced only for misdemeanors, a defendant shall not be
3 consecutively sentenced to more than the maximum for one
4 Class A misdemeanor.

5 (g) Consecutive terms; manner served. In determining the
6 manner in which consecutive sentences of imprisonment, one or
7 more of which is for a felony, will be served, the Department
8 of Corrections shall treat the defendant as though he or she
9 had been committed for a single term subject to each of the
10 following:

11 (1) The maximum period of a term of imprisonment shall
12 consist of the aggregate of the maximums of the imposed
13 indeterminate terms, if any, plus the aggregate of the
14 imposed determinate sentences for felonies, plus the
15 aggregate of the imposed determinate sentences for
16 misdemeanors, subject to subsection (f) of this Section.

17 (2) The parole or mandatory supervised release term
18 shall be as provided in paragraph (e) of Section 5-4.5-50
19 (730 ILCS 5/5-4.5-50) for the most serious of the offenses
20 involved.

21 (3) The minimum period of imprisonment shall be the
22 aggregate of the minimum and determinate periods of
23 imprisonment imposed by the court, subject to subsection
24 (f) of this Section.

25 (4) The defendant shall be awarded credit against the
26 aggregate maximum term and the aggregate minimum term of

1 imprisonment for all time served in an institution since
2 the commission of the offense or offenses and as a
3 consequence thereof at the rate specified in Section 3-6-3
4 (730 ILCS 5/3-6-3).

5 (h) Notwithstanding any other provisions of this Section,
6 all sentences imposed by an Illinois court under this Code
7 shall run concurrent to any and all sentences imposed under
8 the Juvenile Court Act of 1987.

9 (Source: P.A. 102-350, eff. 8-13-21; 102-982, eff. 7-1-23;
10 102-1104, eff. 12-6-22.)

11 Section 95. No acceleration or delay. Where this Act makes
12 changes in a statute that is represented in this Act by text
13 that is not yet or no longer in effect (for example, a Section
14 represented by multiple versions), the use of that text does
15 not accelerate or delay the taking effect of (i) the changes
16 made by this Act or (ii) provisions derived from any other
17 Public Act.