



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 02/09/04, by John J. Millner

SYNOPSIS AS INTRODUCED:

730 ILCS 5/5-8-2

from Ch. 38, par. 1005-8-2

Amends the Unified Code of Corrections. Provides that the court may sentence an offender to an extended term sentence for first degree murder if the trier of fact finds beyond a reasonable doubt that the murder was accompanied by exceptionally brutal or heinous behavior indicative of wanton cruelty or that any of the aggravating factors listed in first degree murder statute were found to be present.

LRB093 18439 RLC 44148 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

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 5-8-2 as follows:

6 (730 ILCS 5/5-8-2) (from Ch. 38, par. 1005-8-2)
7 Sec. 5-8-2. Extended Term.

8 (a) A judge shall not sentence an offender to a term of
9 imprisonment in excess of the maximum sentence authorized by
10 Section 5-8-1 for the class of the most serious offense of
11 which the offender was convicted unless the factors in
12 aggravation set forth in paragraph (b) of Section 5-5-3.2 or
13 clause (a) (1) (b) of Section 5-8-1 were found to be present. If
14 the pre-trial and trial proceedings were conducted in
15 compliance with subsection (c-5) of Section 111-3 of the Code
16 of Criminal Procedure of 1963, the judge may sentence an
17 offender to the following:

18 (1) for first degree murder, a term shall be not less
19 than 60 years and not more than 100 years;

20 (2) for a Class X felony, a term shall be not less than
21 30 years and not more than 60 years;

22 (3) for a Class 1 felony, a term shall be not less than
23 15 years and not more than 30 years;

24 (4) for a Class 2 felony, a term shall be not less than
25 7 years and not more than 14 years;

26 (5) for a Class 3 felony, a term shall not be less than
27 5 years and not more than 10 years;

28 (6) for a Class 4 felony, a term shall be not less than
29 3 years and not more than 6 years.

30 (b) If the conviction was by plea, it shall appear on the
31 record that the plea was entered with the defendant's knowledge
32 that a sentence under this Section was a possibility. If it

1 does not so appear on the record, the defendant shall not be
2 subject to such a sentence unless he is first given an
3 opportunity to withdraw his plea without prejudice.

4 (Source: P.A. 91-953, eff. 2-23-01; 92-591, eff. 6-27-02.)