



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

**HB0469**

Introduced 2/1/2007, by Rep. Dennis M. Reboletti

#### SYNOPSIS AS INTRODUCED:

730 ILCS 5/5-8-4

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

Amends the Unified Code of Corrections. Provides that if a person who is serving a term of probation, conditional discharge, parole, or mandatory supervised release for a felony and while on probation, conditional discharge, parole, or mandatory supervised release for that felony is convicted of a separate felony, any sentence following conviction of the separate felony shall be consecutive to that of the original sentence for which the defendant was on probation, conditional discharge, parole, or mandatory supervised release.

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CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

A BILL FOR

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 5-8-4 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 on  
10 a defendant at the same time, or when a term of imprisonment is  
11 imposed on a defendant who is already subject to sentence in  
12 this State or in another state, or for a sentence imposed by  
13 any district court of the United States, the sentences shall  
14 run concurrently or consecutively as determined by the court.  
15 When one of the offenses for which a defendant was convicted  
16 was a violation of Section 32-5.2 of the Criminal Code of 1961  
17 and the offense was committed in attempting or committing a  
18 forcible felony, the court may impose consecutive sentences.  
19 When a term of imprisonment is imposed on a defendant by an  
20 Illinois circuit court and the defendant is subsequently  
21 sentenced to a term of imprisonment by another state or by a  
22 district court of the United States, the Illinois circuit court  
23 which imposed the sentence may order that the Illinois sentence

1 be made concurrent with the sentence imposed by the other state  
2 or district court of the United States. The defendant must  
3 apply to the circuit court within 30 days after the defendant's  
4 sentence imposed by the other state or district of the United  
5 States is finalized. The court shall impose consecutive  
6 sentences if:

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

10 (ii) 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

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

26 (iv) the defendant was convicted of the offense of

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

10 (v) the defendant was convicted of a violation of  
11 Section 9-3.1 (concealment of homicidal death) or Section  
12 12-20.5 (dismembering a human body) of the Criminal Code of  
13 1961,

14 in which event the court shall enter sentences to run  
15 consecutively. Sentences shall run concurrently unless  
16 otherwise specified by the court.

17 (b) Except in cases where consecutive sentences are  
18 mandated, the court shall impose concurrent sentences unless,  
19 having regard to the nature and circumstances of the offense  
20 and the history and character of the defendant, it is of the  
21 opinion that consecutive sentences are required to protect the  
22 public from further criminal conduct by the defendant, the  
23 basis for which the court shall set forth in the record.

24 (c) (1) For sentences imposed under law in effect prior to  
25 February 1, 1978 the aggregate maximum of consecutive  
26 sentences shall not exceed the maximum term authorized

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

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

22 (d) An offender serving a sentence for a misdemeanor who is  
23 convicted of a felony and sentenced to imprisonment shall be  
24 transferred to the Department of Corrections, and the  
25 misdemeanor sentence shall be merged in and run concurrently  
26 with the felony sentence.

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

6 (1) the maximum period of a term of imprisonment shall  
7 consist of the aggregate of the maximums of the imposed  
8 indeterminate terms, if any, plus the aggregate of the  
9 imposed determinate sentences for felonies plus the  
10 aggregate of the imposed determinate sentences for  
11 misdemeanors subject to paragraph (c) of this Section;

12 (2) the parole or mandatory supervised release term  
13 shall be as provided in paragraph (e) of Section 5-8-1 of  
14 this Code for the most serious of the offenses 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 paragraph (c)  
18 of this Section; and

19 (4) the offender 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 of this Code.

25 (f) A sentence of an offender committed to the Department  
26 of Corrections at the time of the commission of the offense

1 shall be served consecutive to the sentence under which he is  
2 held by the Department of Corrections. However, in case such  
3 offender shall be sentenced to punishment by death, the  
4 sentence shall be executed at such time as the court may fix  
5 without regard to the sentence under which such offender may be  
6 held by the Department.

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

10 (h) If a person charged with a felony commits a separate  
11 felony while on pre-trial release or in pretrial detention in a  
12 county jail facility or county detention facility, the  
13 sentences imposed upon conviction of these felonies shall be  
14 served consecutively regardless of the order in which the  
15 judgments of conviction are entered.

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

24 (j) If a person who is serving a term of probation,  
25 conditional discharge, parole, or mandatory supervised release  
26 for a felony and while on probation, conditional discharge,

1 parole, or mandatory supervised release for that felony is  
2 convicted of a separate felony, any sentence following  
3 conviction of the separate felony shall be consecutive to that  
4 of the original sentence for which the defendant was on  
5 probation, conditional discharge, parole, or mandatory  
6 supervised release.

7 (Source: P.A. 93-160, eff. 7-10-03; 93-768, eff. 7-20-04;  
8 94-556, eff. 9-11-05; 94-985, eff. 1-1-07.)