



## 98TH GENERAL ASSEMBLY

### State of Illinois

### 2013 and 2014

### SB2275

Introduced 2/15/2013, by Sen. Kirk W. Dillard

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/8-4	from Ch. 38, par. 8-4
720 ILCS 5/9-1	from Ch. 38, par. 9-1
730 ILCS 5/5-8-1	from Ch. 38, par. 1005-8-1
725 ILCS 5/119-1 rep.	

Amends the Criminal Code of 2012 and the Unified Code of Corrections. Changes and limits the aggravating factors for which a person convicted of first degree murder may be sentenced to death. Provides for aggravating factors in which a person may be sentenced to natural life imprisonment. Provides that some aggravating factors for which the defendant may have been sentenced to death before the effective date of the amendatory Act may only be considered in determining whether the defendant may be sentenced to natural life imprisonment. Repeals provision that abolishes the death penalty.

LRB098 09106 RLC 39243 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 Criminal Code of 2012 is amended by changing  
5 Sections 8-4 and 9-1 as follows:

6 (720 ILCS 5/8-4) (from Ch. 38, par. 8-4)  
7 Sec. 8-4. Attempt.

8 (a) Elements of the offense.

9 A person commits the offense of attempt when, with intent  
10 to commit a specific offense, he or she does any act that  
11 constitutes a substantial step toward the commission of that  
12 offense.

13 (b) Impossibility.

14 It is not a defense to a charge of attempt that because of  
15 a misapprehension of the circumstances it would have been  
16 impossible for the accused to commit the offense attempted.

17 (c) Sentence.

18 A person convicted of attempt may be fined or imprisoned or  
19 both not to exceed the maximum provided for the offense  
20 attempted but, except for an attempt to commit the offense  
21 defined in Section 33A-2 of this Code:

22 (1) the sentence for attempt to commit first degree  
23 murder is the sentence for a Class X felony, except that

1 (A) an attempt to commit first degree murder when  
2 at least one of the aggravating factors specified in  
3 paragraph ~~paragraphs~~ (1), ~~(2)~~, and ~~(12)~~ of subsection  
4 (b) and in paragraph (1) of subsection (c) of Section  
5 9-1 is present is a Class X felony for which the  
6 sentence shall be a term of imprisonment of not less  
7 than 20 years and not more than 80 years;

8 (B) an attempt to commit first degree murder while  
9 armed with a firearm is a Class X felony for which 15  
10 years shall be added to the term of imprisonment  
11 imposed by the court;

12 (C) an attempt to commit first degree murder during  
13 which the person personally discharged a firearm is a  
14 Class X felony for which 20 years shall be added to the  
15 term of imprisonment imposed by the court;

16 (D) an attempt to commit first degree murder during  
17 which the person personally discharged a firearm that  
18 proximately caused great bodily harm, permanent  
19 disability, permanent disfigurement, or death to  
20 another person is a Class X felony for which 25 years  
21 or up to a term of natural life shall be added to the  
22 term of imprisonment imposed by the court; and

23 (E) if the defendant proves by a preponderance of  
24 the evidence at sentencing that, at the time of the  
25 attempted murder, he or she was acting under a sudden  
26 and intense passion resulting from serious provocation

1 by the individual whom the defendant endeavored to  
2 kill, or another, and, had the individual the defendant  
3 endeavored to kill died, the defendant would have  
4 negligently or accidentally caused that death, then  
5 the sentence for the attempted murder is the sentence  
6 for a Class 1 felony;

7 (2) the sentence for attempt to commit a Class X felony  
8 is the sentence for a Class 1 felony;

9 (3) the sentence for attempt to commit a Class 1 felony  
10 is the sentence for a Class 2 felony;

11 (4) the sentence for attempt to commit a Class 2 felony  
12 is the sentence for a Class 3 felony; and

13 (5) the sentence for attempt to commit any felony other  
14 than those specified in items (1), (2), (3), and (4) of  
15 this subsection (c) is the sentence for a Class A  
16 misdemeanor.

17 (Source: P.A. 96-710, eff. 1-1-10.)

18 (720 ILCS 5/9-1) (from Ch. 38, par. 9-1)

19 Sec. 9-1. First degree Murder - Death penalties -  
20 Exceptions - Separate Hearings - Proof - Findings - Appellate  
21 procedures - Reversals.

22 (a) A person who kills an individual without lawful  
23 justification commits first degree murder if, in performing the  
24 acts which cause the death:

25 (1) he either intends to kill or do great bodily harm

1 to that individual or another, or knows that such acts will  
2 cause death to that individual or another; or

3 (2) he knows that such acts create a strong probability  
4 of death or great bodily harm to that individual or  
5 another; or

6 (3) he is attempting or committing a forcible felony  
7 other than second degree murder.

8 (b) Aggravating Factors; Death Penalty. A defendant who at  
9 the time of the commission of the offense has attained the age  
10 of 18 or more and who has been found guilty of first degree  
11 murder may be sentenced to death if:

12 (1) the murdered individual was a peace officer or an  
13 employee of an institution or facility of the Department of  
14 Corrections, or any similar local correctional agency, ~~or~~  
15 ~~fireman~~ killed in the course of performing his or her  
16 official duties, to prevent the performance of his or her  
17 official duties, or in retaliation for performing his or  
18 her official duties, and the defendant knew or should have  
19 known that the murdered individual was a peace officer or  
20 an employee of an institution or facility of the Department  
21 of Corrections, or any similar local correctional agency ~~or~~  
22 ~~fireman~~; or

23 ~~(2) the murdered individual was an employee of an~~  
24 ~~institution or facility of the Department of Corrections,~~  
25 ~~or any similar local correctional agency, killed in the~~  
26 ~~course of performing his official duties, to prevent the~~

1 ~~performance of his official duties, or in retaliation for~~  
2 ~~performing his official duties, or the murdered individual~~  
3 ~~was an inmate at such institution or facility and was~~  
4 ~~killed on the grounds thereof, or the murdered individual~~  
5 ~~was otherwise present in such institution or facility with~~  
6 ~~the knowledge and approval of the chief administrative~~  
7 ~~officer thereof; or~~

8 (2) ~~(3)~~ the defendant has been convicted of murdering 2  
9 ~~two~~ or more individuals under subsection (a) of this  
10 Section or under any law of the United States or of any  
11 state which is substantially similar to subsection (a) of  
12 this Section regardless of whether the deaths occurred as  
13 the result of the same act or of several related or  
14 unrelated acts so long as the deaths were the result of  
15 either an intent to kill more than one person or of  
16 separate acts which the defendant knew would cause death or  
17 create a strong probability of death or great bodily harm  
18 to the murdered individual or another; or

19 (3) the murdered individual was under 12 years of age  
20 and the death resulted from exceptionally brutal or heinous  
21 behavior indicative of wanton cruelty; or

22 (4) the defendant committed the murder with intent to  
23 prevent the murdered individual from testifying or  
24 participating in any criminal investigation or prosecution  
25 or giving material assistance to the State in any  
26 investigation or prosecution, either against the defendant

1 or another; or the defendant committed the murder because  
2 the murdered individual was a witness in any prosecution or  
3 gave material assistance to the State in any investigation  
4 or prosecution, either against the defendant or another;  
5 for purposes of this paragraph (4), "participating in any  
6 criminal investigation or prosecution" is intended to  
7 include those appearing in the proceedings in any capacity  
8 such as trial judges, prosecutors, defense attorneys,  
9 investigators, witnesses, or jurors.

10 (c) Aggravating Factors; Natural Life Imprisonment. A  
11 defendant who at the time of the commission of the offense has  
12 attained the age of 18 or more and who has been found guilty of  
13 first degree murder may be sentenced to natural life  
14 imprisonment if:

15 (1) the murdered individual was an inmate of an  
16 institution or facility of the Department of Corrections,  
17 or any similar local correctional agency, and was killed on  
18 the grounds thereof, or the murdered individual was  
19 otherwise present in such institution or facility with the  
20 knowledge and approval of the chief administrative officer  
21 thereof; or

22 (2) ~~(4)~~ the murdered individual was killed as a result  
23 of the hijacking of an airplane, train, ship, bus or other  
24 public conveyance; or

25 (3) ~~(5)~~ the defendant committed the murder pursuant to  
26 a contract, agreement or understanding by which he was to

1 receive money or anything of value in return for committing  
2 the murder or procured another to commit the murder for  
3 money or anything of value; or

4 (4) ~~(6)~~ the murdered individual was killed in the  
5 course of another felony if:

6 (a) the murdered individual:

7 (i) was actually killed by the defendant, or

8 (ii) received physical injuries personally  
9 inflicted by the defendant substantially  
10 contemporaneously with physical injuries caused by  
11 one or more persons for whose conduct the defendant  
12 is legally accountable under Section 5-2 of this  
13 Code, and the physical injuries inflicted by  
14 either the defendant or the other person or persons  
15 for whose conduct he or she is legally accountable  
16 caused the death of the murdered individual; and

17 (b) in performing the acts which caused the death  
18 of the murdered individual or which resulted in  
19 physical injuries personally inflicted by the  
20 defendant on the murdered individual under the  
21 circumstances of subdivision (ii) of subparagraph (a)  
22 of paragraph (4) ~~(6)~~ of subsection (c) ~~(b)~~ of this  
23 Section, the defendant acted with the intent to kill  
24 the murdered individual or with the knowledge that his  
25 acts created a strong probability of death or great  
26 bodily harm to the murdered individual or another; and

1 (c) the other felony was an inherently violent  
2 crime or the attempt to commit an inherently violent  
3 crime. In this subparagraph (c), "inherently violent  
4 crime" includes, but is not limited to, armed robbery,  
5 robbery, predatory criminal sexual assault of a child,  
6 aggravated criminal sexual assault, aggravated  
7 kidnapping, aggravated vehicular hijacking, aggravated  
8 arson, aggravated stalking, residential burglary, and  
9 home invasion; or

10 ~~(7) the murdered individual was under 12 years of age~~  
11 ~~and the death resulted from exceptionally brutal or heinous~~  
12 ~~behavior indicative of wanton cruelty; or~~

13 ~~(8) the defendant committed the murder with intent to~~  
14 ~~prevent the murdered individual from testifying or~~  
15 ~~participating in any criminal investigation or prosecution~~  
16 ~~or giving material assistance to the State in any~~  
17 ~~investigation or prosecution, either against the defendant~~  
18 ~~or another; or the defendant committed the murder because~~  
19 ~~the murdered individual was a witness in any prosecution or~~  
20 ~~gave material assistance to the State in any investigation~~  
21 ~~or prosecution, either against the defendant or another;~~  
22 ~~for purposes of this paragraph (8), "participating in any~~  
23 ~~criminal investigation or prosecution" is intended to~~  
24 ~~include those appearing in the proceedings in any capacity~~  
25 ~~such as trial judges, prosecutors, defense attorneys,~~  
26 ~~investigators, witnesses, or jurors; or~~

1           (5) ~~(9)~~ the defendant, while committing an offense  
2 punishable under Sections 401, 401.1, 401.2, 405, 405.2,  
3 407 or 407.1 or subsection (b) of Section 404 of the  
4 Illinois Controlled Substances Act, or while engaged in a  
5 conspiracy or solicitation to commit such offense,  
6 intentionally killed an individual or counseled,  
7 commanded, induced, procured or caused the intentional  
8 killing of the murdered individual; or

9           (6) ~~(10)~~ the defendant was incarcerated in an  
10 institution or facility of the Department of Corrections at  
11 the time of the murder, and while committing an offense  
12 punishable as a felony under Illinois law, or while engaged  
13 in a conspiracy or solicitation to commit such offense,  
14 intentionally killed an individual or counseled,  
15 commanded, induced, procured or caused the intentional  
16 killing of the murdered individual; or

17           (7) ~~(11)~~ the murder was committed in a cold, calculated  
18 and premeditated manner pursuant to a preconceived plan,  
19 scheme or design to take a human life by unlawful means,  
20 and the conduct of the defendant created a reasonable  
21 expectation that the death of a human being would result  
22 therefrom; or

23           (8) ~~(12)~~ the murdered individual was an emergency  
24 medical technician - ambulance, emergency medical  
25 technician - intermediate, emergency medical technician -  
26 paramedic, ambulance driver, fireman, or other medical

1 assistance or first aid personnel, employed by a  
2 municipality or other governmental unit, killed in the  
3 course of performing his official duties, to prevent the  
4 performance of his official duties, or in retaliation for  
5 performing his official duties, and the defendant knew or  
6 should have known that the murdered individual was an  
7 emergency medical technician - ambulance, emergency  
8 medical technician - intermediate, emergency medical  
9 technician - paramedic, ambulance driver, fireman, or  
10 other medical assistance or first aid personnel; or

11 (9) ~~(13)~~ the defendant was a principal administrator,  
12 organizer, or leader of a calculated criminal drug  
13 conspiracy consisting of a hierarchical position of  
14 authority superior to that of all other members of the  
15 conspiracy, and the defendant counseled, commanded,  
16 induced, procured, or caused the intentional killing of the  
17 murdered person; or

18 (10) ~~(14)~~ the murder was intentional and involved the  
19 infliction of torture. For the purpose of this Section  
20 torture means the infliction of or subjection to extreme  
21 physical pain, motivated by an intent to increase or  
22 prolong the pain, suffering or agony of the victim; or

23 (11) ~~(15)~~ the murder was committed as a result of the  
24 intentional discharge of a firearm by the defendant from a  
25 motor vehicle and the victim was not present within the  
26 motor vehicle; or

1           (12) ~~(16)~~ the murdered individual was 60 years of age  
2           or older and the death resulted from exceptionally brutal  
3           or heinous behavior indicative of wanton cruelty; or

4           (13) ~~(17)~~ the murdered individual was a disabled person  
5           and the defendant knew or should have known that the  
6           murdered individual was disabled. For purposes of this  
7           paragraph (17), "disabled person" means a person who  
8           suffers from a permanent physical or mental impairment  
9           resulting from disease, an injury, a functional disorder,  
10          or a congenital condition that renders the person incapable  
11          of adequately providing for his or her own health or  
12          personal care; or

13          (14) ~~(18)~~ the murder was committed by reason of any  
14          person's activity as a community policing volunteer or to  
15          prevent any person from engaging in activity as a community  
16          policing volunteer; or

17          (15) ~~(19)~~ the murdered individual was subject to an  
18          order of protection and the murder was committed by a  
19          person against whom the same order of protection was issued  
20          under the Illinois Domestic Violence Act of 1986; or

21          (16) ~~(20)~~ the murdered individual was known by the  
22          defendant to be a teacher or other person employed in any  
23          school and the teacher or other employee is upon the  
24          grounds of a school or grounds adjacent to a school, or is  
25          in any part of a building used for school purposes; or

26          (17) ~~(21)~~ the murder was committed by the defendant in

1 connection with or as a result of the offense of terrorism  
2 as defined in Section 29D-14.9 of this Code; or -

3 (18) ~~(b-5) Aggravating Factor; Natural Life~~  
4 ~~Imprisonment. A defendant who has been found guilty of~~  
5 ~~first degree murder and who at the time of the commission~~  
6 ~~of the offense had attained the age of 18 years or more may~~  
7 ~~be sentenced to natural life imprisonment if (i) the~~  
8 murdered individual was: (i) a physician, physician  
9 assistant, psychologist, nurse, or advanced practice  
10 nurse, (ii) a person whom the defendant knew or should have  
11 known ~~that the murdered individual~~ was a physician,  
12 physician assistant, psychologist, nurse, or advanced  
13 practice nurse, and (iii) the murdered individual was  
14 killed in the course of acting in his or her capacity as a  
15 physician, physician assistant, psychologist, nurse, or  
16 advanced practice nurse, or to prevent him or her from  
17 acting in that capacity, or in retaliation for his or her  
18 acting in that capacity; or -

19 (19) the murdered individual was a public official and  
20 was killed because of his or her status as a public  
21 official. For purposes of this paragraph (19), "public  
22 official" means a person who is elected to office in  
23 accordance with a statute or who is appointed to an office  
24 which is established, and the qualifications and duties of  
25 which are prescribed, by statute, to discharge a public  
26 duty for the State or any of its political subdivisions or

1       in the case of an elective office any person who has filed  
2       the required documents for nomination or election to such  
3       office.

4       (d) ~~(e)~~ Consideration of factors in Aggravation and  
5 Mitigation.

6       The court shall consider, or shall instruct the jury to  
7 consider any aggravating and any mitigating factors which are  
8 relevant to the imposition of the death penalty. Aggravating  
9 factors may include but need not be limited to those factors  
10 set forth in subsection (b). Mitigating factors may include but  
11 need not be limited to the following:

12           (1) the defendant has no significant history of prior  
13 criminal activity;

14           (2) the murder was committed while the defendant was  
15 under the influence of extreme mental or emotional  
16 disturbance, although not such as to constitute a defense  
17 to prosecution;

18           (3) the murdered individual was a participant in the  
19 defendant's homicidal conduct or consented to the  
20 homicidal act;

21           (4) the defendant acted under the compulsion of threat  
22 or menace of the imminent infliction of death or great  
23 bodily harm;

24           (5) the defendant was not personally present during  
25 commission of the act or acts causing death;

26           (6) the defendant's background includes a history of

1 extreme emotional or physical abuse;

2 (7) the defendant suffers from a reduced mental  
3 capacity.

4 (e) ~~(d)~~ Separate sentencing hearing.

5 Where requested by the State, the court shall conduct a  
6 separate sentencing proceeding to determine the existence of  
7 factors set forth in subsection (b) and to consider any  
8 aggravating or mitigating factors as indicated in subsection  
9 (c). The proceeding shall be conducted:

10 (1) before the jury that determined the defendant's  
11 guilt; or

12 (2) before a jury impanelled for the purpose of the  
13 proceeding if:

14 A. the defendant was convicted upon a plea of  
15 guilty; or

16 B. the defendant was convicted after a trial before  
17 the court sitting without a jury; or

18 C. the court for good cause shown discharges the  
19 jury that determined the defendant's guilt; or

20 (3) before the court alone if the defendant waives a  
21 jury for the separate proceeding.

22 (f) ~~(e)~~ Evidence and Argument.

23 During the proceeding any information relevant to any of  
24 the factors set forth in subsection (b) may be presented by  
25 either the State or the defendant under the rules governing the  
26 admission of evidence at criminal trials. Any information

1 relevant to any additional aggravating factors or any  
2 mitigating factors indicated in subsection (c) may be presented  
3 by the State or defendant regardless of its admissibility under  
4 the rules governing the admission of evidence at criminal  
5 trials. The State and the defendant shall be given fair  
6 opportunity to rebut any information received at the hearing.

7 (g) ~~(f)~~ Proof.

8 The burden of proof of establishing the existence of any of  
9 the factors set forth in subsection (b) is on the State and  
10 shall not be satisfied unless established beyond a reasonable  
11 doubt.

12 (h) ~~(g)~~ Procedure - Jury.

13 If at the separate sentencing proceeding the jury finds  
14 that none of the factors set forth in subsection (b) exists,  
15 the court shall sentence the defendant to a term of  
16 imprisonment under Chapter V of the Unified Code of  
17 Corrections. If there is a unanimous finding by the jury that  
18 one or more of the factors set forth in subsection (b) exist,  
19 the jury shall consider aggravating and mitigating factors as  
20 instructed by the court and shall determine whether the  
21 sentence of death shall be imposed. If the jury determines  
22 unanimously, after weighing the factors in aggravation and  
23 mitigation, that death is the appropriate sentence, the court  
24 shall sentence the defendant to death. If the court does not  
25 concur with the jury determination that death is the  
26 appropriate sentence, the court shall set forth reasons in

1 writing including what facts or circumstances the court relied  
2 upon, along with any relevant documents, that compelled the  
3 court to non-concur with the sentence. This document and any  
4 attachments shall be part of the record for appellate review.  
5 The court shall be bound by the jury's sentencing  
6 determination.

7 If after weighing the factors in aggravation and  
8 mitigation, one or more jurors determines that death is not the  
9 appropriate sentence, the court shall sentence the defendant to  
10 a term of imprisonment under Chapter V of the Unified Code of  
11 Corrections.

12 (i) ~~(h)~~ Procedure - No Jury.

13 In a proceeding before the court alone, if the court finds  
14 that none of the factors found in subsection (b) exists, the  
15 court shall sentence the defendant to a term of imprisonment  
16 under Chapter V of the Unified Code of Corrections.

17 If the Court determines that one or more of the factors set  
18 forth in subsection (b) exists, the Court shall consider any  
19 aggravating and mitigating factors as indicated in subsection  
20 (c). If the Court determines, after weighing the factors in  
21 aggravation and mitigation, that death is the appropriate  
22 sentence, the Court shall sentence the defendant to death.

23 If the court finds that death is not the appropriate  
24 sentence, the court shall sentence the defendant to a term of  
25 imprisonment under Chapter V of the Unified Code of  
26 Corrections.

1           (j) ~~(h-5)~~ Decertification as a capital case.

2           In a case in which the defendant has been found guilty of  
3 first degree murder by a judge or jury, or a case on remand for  
4 resentencing, and the State seeks the death penalty as an  
5 appropriate sentence, on the court's own motion or the written  
6 motion of the defendant, the court may decertify the case as a  
7 death penalty case if the court finds that the only evidence  
8 supporting the defendant's conviction is the uncorroborated  
9 testimony of an informant witness, as defined in Section 115-21  
10 of the Code of Criminal Procedure of 1963, concerning the  
11 confession or admission of the defendant or that the sole  
12 evidence against the defendant is a single eyewitness or single  
13 accomplice without any other corroborating evidence. If the  
14 court decertifies the case as a capital case under either of  
15 the grounds set forth above, the court shall issue a written  
16 finding. The State may pursue its right to appeal the  
17 decertification pursuant to Supreme Court Rule 604(a)(1). If  
18 the court does not decertify the case as a capital case, the  
19 matter shall proceed to the eligibility phase of the sentencing  
20 hearing.

21           (k) ~~(i)~~ Appellate Procedure.

22           The conviction and sentence of death shall be subject to  
23 automatic review by the Supreme Court. Such review shall be in  
24 accordance with rules promulgated by the Supreme Court. The  
25 Illinois Supreme Court may overturn the death sentence, and  
26 order the imposition of imprisonment under Chapter V of the

1 Unified Code of Corrections if the court finds that the death  
2 sentence is fundamentally unjust as applied to the particular  
3 case. If the Illinois Supreme Court finds that the death  
4 sentence is fundamentally unjust as applied to the particular  
5 case, independent of any procedural grounds for relief, the  
6 Illinois Supreme Court shall issue a written opinion explaining  
7 this finding.

8 (l) ~~(j)~~ Disposition of reversed death sentence.

9 In the event that the death penalty in this Act is held to  
10 be unconstitutional by the Supreme Court of the United States  
11 or of the State of Illinois, any person convicted of first  
12 degree murder shall be sentenced by the court to a term of  
13 imprisonment under Chapter V of the Unified Code of  
14 Corrections.

15 In the event that any death sentence pursuant to the  
16 sentencing provisions of this Section is declared  
17 unconstitutional by the Supreme Court of the United States or  
18 of the State of Illinois, the court having jurisdiction over a  
19 person previously sentenced to death shall cause the defendant  
20 to be brought before the court, and the court shall sentence  
21 the defendant to a term of imprisonment under Chapter V of the  
22 Unified Code of Corrections.

23 (m) ~~(k)~~ Guidelines for seeking the death penalty.

24 The Attorney General and State's Attorneys Association  
25 shall consult on voluntary guidelines for procedures governing  
26 whether or not to seek the death penalty. The guidelines do not

1 have the force of law and are only advisory in nature.

2 (Source: P.A. 96-710, eff. 1-1-10; 96-1475, eff. 1-1-11.)

3 Section 10. The Unified Code of Corrections is amended by  
4 changing Section 5-8-1 as follows:

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

6 Sec. 5-8-1. Natural life imprisonment; enhancements for  
7 use of a firearm; mandatory supervised release terms.

8 (a) Except as otherwise provided in the statute defining  
9 the offense or in Article 4.5 of Chapter V, a sentence of  
10 imprisonment for a felony shall be a determinate sentence set  
11 by the court under this Section, according to the following  
12 limitations:

13 (1) for first degree murder,

14 (a) (blank),

15 (b) if a trier of fact finds beyond a reasonable  
16 doubt that the murder was accompanied by exceptionally  
17 brutal or heinous behavior indicative of wanton  
18 cruelty or, except as set forth in subsection (a) (1) (c)  
19 of this Section, that any of the aggravating factors  
20 listed in subsection (b) or (c) ~~(b-5)~~ of Section 9-1 of  
21 the Criminal Code of 1961 or the Criminal Code of 2012  
22 are 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 a

1 term of natural life imprisonment when the death  
2 penalty is not imposed if the defendant,

3 (i) has previously been convicted of first  
4 degree murder under any state or federal law, or

5 (ii) is a person who, at the time of the  
6 commission of the murder, had attained the age of  
7 17 or more and is found guilty of murdering an  
8 individual under 12 years of age; or, irrespective  
9 of the defendant's age at the time of the  
10 commission of the offense, is found guilty of  
11 murdering more than one victim, or

12 (iii) is found guilty of murdering a peace  
13 officer, fireman, or emergency management worker  
14 when the peace officer, fireman, or emergency  
15 management worker was killed in the course of  
16 performing his official duties, or to prevent the  
17 peace officer or fireman from performing his  
18 official duties, or in retaliation for the peace  
19 officer, fireman, or emergency management worker  
20 from performing his official duties, and the  
21 defendant knew or should have known that the  
22 murdered individual was a peace officer, fireman,  
23 or emergency management worker, or

24 (iv) is found guilty of murdering an employee  
25 of an institution or facility of the Department of  
26 Corrections, or any similar local correctional

1 agency, when the employee was killed in the course  
2 of performing his official duties, or to prevent  
3 the employee from performing his official duties,  
4 or in retaliation for the employee performing his  
5 official duties, or

6 (v) is found guilty of murdering an emergency  
7 medical technician - ambulance, emergency medical  
8 technician - intermediate, emergency medical  
9 technician - paramedic, ambulance driver or other  
10 medical assistance or first aid person while  
11 employed by a municipality or other governmental  
12 unit when the person was killed in the course of  
13 performing official duties or to prevent the  
14 person from performing official duties or in  
15 retaliation for performing official duties and the  
16 defendant knew or should have known that the  
17 murdered individual was an emergency medical  
18 technician - ambulance, emergency medical  
19 technician - intermediate, emergency medical  
20 technician - paramedic, ambulance driver, or other  
21 medical assistant or first aid personnel, or

22 (vi) is a person who, at the time of the  
23 commission of the murder, had not attained the age  
24 of 17, and is found guilty of murdering a person  
25 under 12 years of age and the murder is committed  
26 during the course of aggravated criminal sexual

1 assault, criminal sexual assault, or aggravated  
2 kidnaping, or

3 (vii) is found guilty of first degree murder  
4 and the murder was committed by reason of any  
5 person's activity as a community policing  
6 volunteer or to prevent any person from engaging in  
7 activity as a community policing volunteer. For  
8 the purpose of this Section, "community policing  
9 volunteer" has the meaning ascribed to it in  
10 Section 2-3.5 of the Criminal Code of 2012.

11 For purposes of clause (v), "emergency medical  
12 technician - ambulance", "emergency medical technician  
13 - intermediate", "emergency medical technician -  
14 paramedic", have the meanings ascribed to them in the  
15 Emergency Medical Services (EMS) Systems Act.

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

19 (ii) if, during the commission of the offense,  
20 the person personally discharged a firearm, 20  
21 years shall be added to the term of imprisonment  
22 imposed by the court;

23 (iii) if, during the commission of the  
24 offense, the person personally discharged a  
25 firearm that proximately caused great bodily harm,  
26 permanent disability, permanent disfigurement, or

1 death to another person, 25 years or up to a term  
2 of natural life shall be added to the term of  
3 imprisonment imposed by the court.

4 (2) (blank);

5 (2.5) for a person convicted under the circumstances  
6 described in subdivision (b)(1)(B) of Section 11-1.20 or  
7 paragraph (3) of subsection (b) of Section 12-13,  
8 subdivision (d)(2) of Section 11-1.30 or paragraph (2) of  
9 subsection (d) of Section 12-14, subdivision (b)(1.2) of  
10 Section 11-1.40 or paragraph (1.2) of subsection (b) of  
11 Section 12-14.1, subdivision (b)(2) of Section 11-1.40 or  
12 paragraph (2) of subsection (b) of Section 12-14.1 of the  
13 Criminal Code of 1961 or the Criminal Code of 2012, the  
14 sentence shall be a term of natural life imprisonment.

15 (b) (Blank).

16 (c) (Blank).

17 (d) Subject to earlier termination under Section 3-3-8, the  
18 parole or mandatory supervised release term shall be written as  
19 part of the sentencing order and shall be as follows:

20 (1) for first degree murder or a Class X felony except  
21 for the offenses of predatory criminal sexual assault of a  
22 child, aggravated criminal sexual assault, and criminal  
23 sexual assault if committed on or after the effective date  
24 of this amendatory Act of the 94th General Assembly and  
25 except for the offense of aggravated child pornography  
26 under Section 11-20.1B, 11-20.3, or 11-20.1 with

1 sentencing under subsection (c-5) of Section 11-20.1 of the  
2 Criminal Code of 1961 or the Criminal Code of 2012, if  
3 committed on or after January 1, 2009, 3 years;

4 (2) for a Class 1 felony or a Class 2 felony except for  
5 the offense of criminal sexual assault if committed on or  
6 after the effective date of this amendatory Act of the 94th  
7 General Assembly and except for the offenses of manufacture  
8 and dissemination of child pornography under clauses  
9 (a)(1) and (a)(2) of Section 11-20.1 of the Criminal Code  
10 of 1961 or the Criminal Code of 2012, if committed on or  
11 after January 1, 2009, 2 years;

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

13 (4) for defendants who commit the offense of predatory  
14 criminal sexual assault of a child, aggravated criminal  
15 sexual assault, or criminal sexual assault, on or after the  
16 effective date of this amendatory Act of the 94th General  
17 Assembly, or who commit the offense of aggravated child  
18 pornography under Section 11-20.1B, 11-20.3, or 11-20.1  
19 with sentencing under subsection (c-5) of Section 11-20.1  
20 of the Criminal Code of 1961 or the Criminal Code of 2012,  
21 manufacture of child pornography, or dissemination of  
22 child pornography after January 1, 2009, the term of  
23 mandatory supervised release shall range from a minimum of  
24 3 years to a maximum of the natural life of the defendant;

25 (5) if the victim is under 18 years of age, for a  
26 second or subsequent offense of aggravated criminal sexual

1 abuse or felony criminal sexual abuse, 4 years, at least  
2 the first 2 years of which the defendant shall serve in an  
3 electronic home detention program under Article 8A of  
4 Chapter V of this Code;

5 (6) for a felony domestic battery, aggravated domestic  
6 battery, stalking, aggravated stalking, and a felony  
7 violation of an order of protection, 4 years.

8 (e) (Blank).

9 (f) (Blank).

10 (Source: P.A. 96-282, eff. 1-1-10; 96-1000, eff. 7-2-10;  
11 96-1200, eff. 7-22-10; 96-1475, eff. 1-1-11; 96-1551, eff.  
12 7-1-11; 97-333, eff. 8-12-11; 97-531, eff. 1-1-12; 97-1109,  
13 eff. 1-1-13; 97-1150, eff. 1-25-13.)

14 (725 ILCS 5/119-1 rep.)

15 Section 15. The Code of Criminal Procedure of 1963 is  
16 amended by repealing Section 119-1.