

1 AN ACT in relation to 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
5 by 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
10 on a defendant at the same time, or when a term of
11 imprisonment is imposed on a defendant who is already subject
12 to sentence in this State or in another state, or for a
13 sentence imposed by any district court of the United States,
14 the sentences shall run concurrently or consecutively as
15 determined by the court. When a term of imprisonment is
16 imposed on a defendant by an Illinois circuit court and the
17 defendant is subsequently sentenced to a term of imprisonment
18 by another state or by a district court of the United States,
19 the Illinois circuit court which imposed the sentence may
20 order that the Illinois sentence be made concurrent with the
21 sentence imposed by the other state or district court of the
22 United States. The defendant must apply to the circuit court
23 within 30 days after the defendant's sentence imposed by the
24 other state or district of the United States is finalized.
25 The court shall not impose consecutive sentences for offenses
26 which were committed as part of a single course of conduct
27 during which there was no substantial change in the nature of
28 the criminal objective, unless:

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

1 or

2 (ii) the defendant was convicted of a violation of
3 Section 12-13, 12-14, ~~or~~ 12-14.1, 12-15, or 12-16 of the
4 Criminal Code of 1961, or

5 (iii) the defendant was convicted of armed violence
6 based upon the predicate offense of solicitation of
7 murder, solicitation of murder for hire, heinous battery,
8 aggravated battery of a senior citizen, criminal sexual
9 assault, a violation of subsection (g) of Section 5 of
10 the Cannabis Control Act, cannabis trafficking, a
11 violation of subsection (a) of Section 401 of the
12 Illinois Controlled Substances Act, controlled substance
13 trafficking involving a Class X felony amount of
14 controlled substance under Section 401 of the Illinois
15 Controlled Substances Act, calculated criminal drug
16 conspiracy, or streetgang criminal drug conspiracy,
17 in which event the court shall enter sentences to run
18 consecutively. Sentences shall run concurrently unless
19 otherwise specified by the court.

20 (b) The court shall not impose a consecutive sentence
21 except as provided for in subsection (a) unless, having
22 regard to the nature and circumstances of the offense and the
23 history and character of the defendant, it is of the opinion
24 that such a term is required to protect the public from
25 further criminal conduct by the defendant, the basis for
26 which the court shall set forth in the record; except that no
27 such finding or opinion is required when multiple sentences
28 of imprisonment are imposed on a defendant for offenses that
29 were not committed as part of a single course of conduct
30 during which there was no substantial change in the nature of
31 the criminal objective, and one of the offenses for which the
32 defendant was convicted was first degree murder or a Class X
33 or Class 1 felony and the defendant inflicted severe bodily
34 injury, or when the defendant was convicted of a violation of

1 Section 12-13, 12-14, ~~or~~ 12-14.1, 12-15, or 12-16 of the
2 Criminal Code of 1961, or where the defendant was convicted
3 of armed violence based upon the predicate offense of
4 solicitation of murder, solicitation of murder for hire,
5 heinous battery, aggravated battery of a senior citizen,
6 criminal sexual assault, a violation of subsection (g) of
7 Section 5 of the Cannabis Control Act, cannabis trafficking,
8 a violation of subsection (a) of Section 401 of the Illinois
9 Controlled Substances Act, controlled substance trafficking
10 involving a Class X felony amount of controlled substance
11 under Section 401 of the Illinois Controlled Substances Act,
12 calculated criminal drug conspiracy, or streetgang criminal
13 drug conspiracy, in which event the Court shall enter
14 sentences to run consecutively.

15 (c) (1) For sentences imposed under law in effect prior
16 to February 1, 1978 the aggregate maximum of consecutive
17 sentences shall not exceed the maximum term authorized
18 under Section 5-8-1 for the 2 most serious felonies
19 involved. The aggregate minimum period of consecutive
20 sentences shall not exceed the highest minimum term
21 authorized under Section 5-8-1 for the 2 most serious
22 felonies involved. When sentenced only for misdemeanors,
23 a defendant shall not be consecutively sentenced to more
24 than the maximum for one Class A misdemeanor.

25 (2) For sentences imposed under the law in effect
26 on or after February 1, 1978, the aggregate of
27 consecutive sentences for offenses that were committed as
28 part of a single course of conduct during which there was
29 no substantial change in the nature of the criminal
30 objective shall not exceed the sum of the maximum terms
31 authorized under Section 5-8-2 for the 2 most serious
32 felonies involved, but no such limitation shall apply for
33 offenses that were not committed as part of a single
34 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 (d) An offender serving a sentence for a misdemeanor who
 6 is convicted of a felony and sentenced to imprisonment shall
 7 be transferred to the Department of Corrections, and the
 8 misdemeanor sentence shall be merged in and run concurrently
 9 with the felony sentence.

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

15 (1) the maximum period of a term of imprisonment
 16 shall consist of the aggregate of the maximums of the
 17 imposed indeterminate terms, if any, plus the aggregate
 18 of the imposed determinate sentences for felonies plus
 19 the aggregate of the imposed determinate sentences for
 20 misdemeanors subject to paragraph (c) of this Section;

21 (2) the parole or mandatory supervised release term
 22 shall be as provided in paragraph (e) of Section 5-8-1 of
 23 this Code for the most serious of the offenses involved;

24 (3) the minimum period of imprisonment shall be the
 25 aggregate of the minimum and determinate periods of
 26 imprisonment imposed by the court, subject to paragraph
 27 (c) of this Section; and

28 (4) the offender shall be awarded credit against
 29 the aggregate maximum term and the aggregate minimum term
 30 of imprisonment for all time served in an institution
 31 since the commission of the offense or offenses and as a
 32 consequence thereof at the rate specified in Section
 33 3-6-3 of this Code.

34 (f) A sentence of an offender committed to the

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

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

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

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

26 (Source: P.A. 90-128, eff. 7-22-97; 91-144, eff. 1-1-00;
27 91-404, eff. 1-1-00; revised 9-29-99.)