

# HB4901



## 104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB4901

by Rep. Dennis Tipsword

### SYNOPSIS AS INTRODUCED:

730 ILCS 5/5-8-4

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

Amends the Unified Code of Corrections. Provides that for sentences imposed under the law in effect on or after February 1, 1978, exempts the offenses of possession of child sexual abuse material and the former offenses of possession of child pornography and possession of aggravated child pornography from the provision that offenses that were committed as part of a single course of conduct during which there was no substantial change in the nature of the criminal objective that the aggregate of consecutive sentences shall not exceed the sum of the maximum terms authorized under the Code for the 2 most serious felonies involved.

LRB104 17020 RLC 30435 b

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

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

23 (c) Consecutive terms; permissive. The court may impose

1 consecutive sentences in any of the following circumstances:

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

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

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

23 (4) If a person commits a battery against a county  
24 correctional officer or sheriff's employee while serving a  
25 sentence or in pretrial detention in a county jail  
26 facility, then the sentence imposed upon conviction of the

1 battery may be served consecutively with the sentence  
2 imposed upon conviction of the earlier misdemeanor or  
3 felony, regardless of the order in which the judgments of  
4 conviction are entered.

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

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

24 (7) If a person is sentenced for a violation of a  
25 condition of pretrial release under Section 32-10 of the  
26 Criminal Code of 1961 or the Criminal Code of 2012, any

1 sentence imposed for that violation may be served  
2 consecutive to the sentence imposed for the charge for  
3 which pretrial release had been granted and with respect  
4 to which the defendant has been convicted.

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

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

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

18 (2.5) The defendant was convicted of a violation of  
19 paragraph (1), (2), (3), (4), (5), or (7) of subsection  
20 (a) of Section 11-20.1 (child sexual abuse material or  
21 child pornography) or of paragraph (1), (2), (3), (4),  
22 (5), or (7) of subsection (a) of Section 11-20.1B or  
23 11-20.3 (aggravated child pornography) of the Criminal  
24 Code of 1961 or the Criminal Code of 2012; or the defendant  
25 was convicted of a violation of paragraph (6) of  
26 subsection (a) of Section 11-20.1 (child sexual abuse

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

6 (2.6) The defendant was convicted of:

7 (A) a violation of paragraph (2) of subsection (b)  
8 of Section 11-20.4 of the Criminal Code of 2012; or

9 (B) a violation of paragraph (1) of Section  
10 11-20.4 of the Criminal Code of 2012 when the  
11 purported child depicted is indistinguishable from an  
12 actual child under the age of 13.

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

1 ILCS 570/401), a violation of the Methamphetamine Control  
2 and Community Protection Act (720 ILCS 646/), calculated  
3 criminal drug conspiracy, or streetgang criminal drug  
4 conspiracy.

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

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

22 (5.5) The defendant was convicted of a violation of  
23 Section 24-3.7 (use of a stolen firearm in the commission  
24 of an offense) of the Criminal Code of 1961 or the Criminal  
25 Code of 2012.

26 (6) If the defendant was in the custody of the

1 Department of Corrections at the time of the commission of  
2 the offense, the sentence shall be served consecutive to  
3 the sentence under which the defendant is held by the  
4 Department of Corrections.

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

9 (8) (Blank).

10 (8.5) (Blank).

11 (9) (Blank).

12 (10) (Blank).

13 (11) (Blank).

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

26 (f) Consecutive terms; aggregate maximums and minimums.

1 The aggregate maximum and aggregate minimum of consecutive  
2 sentences shall be determined as follows:

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

15 (2) For sentences imposed under the law in effect on  
16 or after February 1, 1978 and except for offenses under  
17 paragraph (6) of subsection (a) of Section 11-20.1 (child  
18 sexual abuse material or child pornography) or of  
19 paragraph (6) of subsection (a) of Section 11-20.1B or  
20 11-20.3 (aggravated child pornography) of the Criminal  
21 Code of 1961 or the Criminal Code of 2012, the aggregate of  
22 consecutive sentences for offenses that were committed as  
23 part of a single course of conduct during which there was  
24 no substantial change in the nature of the criminal  
25 objective shall not exceed the sum of the maximum terms  
26 authorized under Article 4.5 of Chapter V for the 2 most

1 serious felonies involved, but no such limitation shall  
2 apply for offenses that were not committed as part of a  
3 single course of conduct during which there was no  
4 substantial change in the nature of the criminal  
5 objective. When sentenced only for misdemeanors, a  
6 defendant shall not be consecutively sentenced to more  
7 than the maximum for one Class A misdemeanor.

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

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

20 (2) The parole or mandatory supervised release term  
21 shall be as provided in paragraph (e) of Section 5-4.5-50  
22 (730 ILCS 5/5-4.5-50) for the most serious of the offenses  
23 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 subsection

1 (f) of this Section.

2 (4) The defendant shall be awarded credit against the  
3 aggregate maximum term and the aggregate minimum term of  
4 imprisonment for all time served in an institution since  
5 the commission of the offense or offenses and as a  
6 consequence thereof at the rate specified in Section 3-6-3  
7 (730 ILCS 5/3-6-3).

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

12 (Source: P.A. 103-825, eff. 1-1-25; 103-1081, eff. 3-21-25;  
13 104-245, eff. 1-1-26; revised 10-27-25.)