



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB5016

Introduced 2/10/2026, by Rep. Tony M. McCombie - John M. Cabello

SYNOPSIS AS INTRODUCED:

730 ILCS 5/5-4.5-95

Amends the Unified Code of Corrections. Restores the general recidivism provisions of the Code before the effective date of Public Act 101-652. Provides that the third-time offender provisions resulting in a sentence of natural life imprisonment apply when the defendant has attained the age of 18 at the time of the third offense (rather than 21 years of age or older when the first offense was committed). In the provision that when a defendant, over the age of 21 years, is convicted of a Class 1 or Class 2 forcible felony after having twice been convicted in any state or federal court of an offense that contains the same elements as an offense now (the date the Class 1 or Class 2 forcible felony was committed) classified in Illinois as a Class 2 or greater Class forcible felony and those charges are separately brought and tried and arise out of different series of acts, that defendant shall be sentenced as a Class X offender, provides that the 3 offenses may be felonies rather than forcible felonies. Provides that the Class X sentencing provision does not apply to Class 1 or Class 2 felony convictions for theft.

LRB104 15429 RLC 28584 b

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 5-4.5-95 as follows:

6 (730 ILCS 5/5-4.5-95)

7 Sec. 5-4.5-95. GENERAL RECIDIVISM PROVISIONS.

8 (a) HABITUAL CRIMINALS.

9 (1) Every person who has been twice convicted in any
10 state or federal court of an offense that contains the
11 same elements as an offense now (the date of the offense
12 committed after the 2 prior convictions) classified in
13 Illinois as a Class X felony, criminal sexual assault,
14 aggravated kidnapping, or first degree murder, and who is
15 thereafter convicted of a Class X felony, criminal sexual
16 assault, or first degree murder, committed after the 2
17 prior convictions, shall be adjudged an habitual criminal.

18 (2) The 2 prior convictions need not have been for the
19 same offense.

20 (3) Any convictions that result from or are connected
21 with the same transaction, or result from offenses
22 committed at the same time, shall be counted for the
23 purposes of this Section as one conviction.

1 (4) This Section does not apply unless each of the
2 following requirements are satisfied:

3 (A) The third offense was committed after July 3,
4 1980.

5 (B) The third offense was committed within 20
6 years of the date that judgment was entered on the
7 first conviction; provided, however, that time spent
8 in custody shall not be counted.

9 (C) The third offense was committed after
10 conviction on the second offense.

11 (D) The second offense was committed after
12 conviction on the first offense.

13 (E) (Blank). ~~The first offense was committed when~~
14 ~~the person was 21 years of age or older.~~

15 (5) Anyone who, having attained the age of 18 at the
16 time of the third offense, is adjudged an habitual
17 criminal shall be sentenced to a term of natural life
18 imprisonment.

19 (6) A prior conviction shall not be alleged in the
20 indictment, and no evidence or other disclosure of that
21 conviction shall be presented to the court or the jury
22 during the trial of an offense set forth in this Section
23 unless otherwise permitted by the issues properly raised
24 in that trial. After a plea or verdict or finding of guilty
25 and before sentence is imposed, the prosecutor may file
26 with the court a verified written statement signed by the

1 State's Attorney concerning any former conviction of an
2 offense set forth in this Section rendered against the
3 defendant. The court shall then cause the defendant to be
4 brought before it; shall inform the defendant of the
5 allegations of the statement so filed, and of his or her
6 right to a hearing before the court on the issue of that
7 former conviction and of his or her right to counsel at
8 that hearing; and unless the defendant admits such
9 conviction, shall hear and determine the issue, and shall
10 make a written finding thereon. If a sentence has
11 previously been imposed, the court may vacate that
12 sentence and impose a new sentence in accordance with this
13 Section.

14 (7) A duly authenticated copy of the record of any
15 alleged former conviction of an offense set forth in this
16 Section shall be prima facie evidence of that former
17 conviction; and a duly authenticated copy of the record of
18 the defendant's final release or discharge from probation
19 granted, or from sentence and parole supervision (if any)
20 imposed pursuant to that former conviction, shall be prima
21 facie evidence of that release or discharge.

22 (8) Any claim that a previous conviction offered by
23 the prosecution is not a former conviction of an offense
24 set forth in this Section because of the existence of any
25 exceptions described in this Section, is waived unless
26 duly raised at the hearing on that conviction, or unless

1 the prosecution's proof shows the existence of the
2 exceptions described in this Section.

3 (9) If the person so convicted shows to the
4 satisfaction of the court before whom that conviction was
5 had that he or she was released from imprisonment, upon
6 either of the sentences upon a pardon granted for the
7 reason that he or she was innocent, that conviction and
8 sentence shall not be considered under this Section.

9 (b) When a defendant, over the age of 21 years, is
10 convicted of a Class 1 or Class 2 ~~forcible~~ felony, except for
11 an offense listed in subsection (c-1) of this Section, after
12 having twice been convicted in any state or federal court of an
13 offense that contains the same elements as an offense now (the
14 date the Class 1 or Class 2 ~~forcible~~ felony was committed)
15 classified in Illinois as a Class 2 or greater Class ~~forcible~~
16 felony, except for an offense listed in subsection (c-1) of
17 this Section, and those charges are separately brought and
18 tried and arise out of different series of acts, that
19 defendant shall be sentenced as a Class X offender. This
20 subsection does not apply unless:

21 (1) the first ~~forcible~~ felony was committed after
22 February 1, 1978 (the effective date of Public Act
23 80-1099);

24 (2) the second ~~forcible~~ felony was committed after
25 conviction on the first; and

26 (3) the third ~~forcible~~ felony was committed after

1 conviction on the second. ~~and~~

2 ~~(4) the first offense was committed when the person~~
3 ~~was 21 years of age or older.~~

4 (c) (Blank).

5 (c-1) Subsection (b) of this Section does not apply to
6 Class 1 or Class 2 felony convictions for a violation of
7 Section 16-1 of the Criminal Code of 2012.

8 A person sentenced as a Class X offender under this
9 subsection (b) is not eligible to apply for treatment as a
10 condition of probation as provided by Section 40-10 of the
11 Substance Use Disorder Act (20 ILCS 301/40-10).

12 (Source: P.A. 100-3, eff. 1-1-18; 100-759, eff. 1-1-19;
13 101-652, eff. 7-1-21.)