



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB2271

Introduced 2/7/2025, by Sen. Celina Villanueva

SYNOPSIS AS INTRODUCED:

720 ILCS 5/5-2

from Ch. 38, par. 5-2

730 ILCS 5/5-4.5-120 new

Amends the Criminal Code of 2012. Provides that a person found legally accountable for the conduct of another when either before or during the commission of an offense, by taking deliberate action (deletes and with the intent) to promote or facilitate that commission, he or she solicits, aids, abets, agrees, or attempts to aid that other person in the planning or commission of the offense shall be sentenced pursuant to the Unified Code of Corrections, except when: (1) the person initiated the commission of the offense; or (2) the person expressly directed another person to engage in conduct that constituted an element of the offense. Amends the Unified Code of Corrections. Provides that a person convicted under such an accountability theory shall be sentenced according to the provisions of the Unified Code of Corrections. Provides that no separate sentence shall be imposed for the offense in which the conduct of another person satisfied an element of the offense for which the individual has been found guilty. Establishes penalties for being legally accountable for the conduct of another under such an accountability theory. Effective immediately.

LRB104 09428 RLC 19488 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 Criminal Code of 2012 is amended by
5 changing Section 5-2 as follows:

6 (720 ILCS 5/5-2) (from Ch. 38, par. 5-2)

7 Sec. 5-2. When accountability exists.

8 (a) A person is legally accountable for the conduct of
9 another when:

10 (1) ~~(a)~~ having a mental state described by the statute
11 defining the offense, he or she causes another to perform
12 the conduct, and the other person in fact or by reason of
13 legal incapacity lacks such a mental state;

14 (2) ~~(b)~~ the statute defining the offense makes him or
15 her so accountable; or

16 (3) ~~(c)~~ either before or during the commission of an
17 offense, by taking deliberate action ~~and with the intent~~
18 to promote or facilitate that commission, he or she
19 solicits, aids, abets, agrees, or attempts to aid that
20 other person in the planning or commission of the offense.

21 (b) When 2 or more persons engage in a common criminal
22 design or agreement, any acts in the furtherance of that
23 common design committed by one party are considered to be the

1 acts of all parties to the common design or agreement and all
2 are ~~equally~~ responsible for the consequences of those further
3 acts. Mere presence at the scene of a crime does not render a
4 person accountable for an offense; a person's presence at the
5 scene of a crime, however, may be considered with other
6 circumstances by the trier of fact when determining
7 accountability.

8 A person is not so accountable, however, unless the
9 statute defining the offense provides otherwise, if:

10 (1) he or she is a victim of the offense committed;

11 (2) the offense is so defined that his or her conduct
12 was inevitably incident to its commission; or

13 (3) before the commission of the offense, he or she
14 terminates his or her effort to promote or facilitate that
15 commission and does one of the following: (i) wholly
16 deprives his or her prior efforts of effectiveness in that
17 commission, (ii) gives timely warning to the proper law
18 enforcement authorities, or (iii) otherwise makes proper
19 effort to prevent the commission of the offense.

20 (c) A person found legally accountable for the conduct of
21 another pursuant to paragraph (3) of subsection (a) shall be
22 sentenced pursuant to Section 5-4.5-120 of the Unified Code of
23 Corrections, except when:

24 (1) the person initiated the commission of the
25 offense; or

26 (2) the person expressly directed another person to

1 engage in conduct that constituted an element of the
2 offense.

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

4 Section 10. The Unified Code of Corrections is amended by
5 adding Section 5-4.5-120 as follows:

6 (730 ILCS 5/5-4.5-120 new)

7 Sec. 5-4.5-120. SENTENCING OF INDIVIDUALS ACCOUNTABLE FOR
8 THE CONDUCT OF ANOTHER. A person convicted under an
9 accountability theory as set forth in paragraph (3) of
10 subsection (a) of Section 5-2 of the Criminal Code of 2012
11 shall be sentenced under this Section. No separate sentence
12 shall be imposed for the offense in which the conduct of
13 another person satisfied an element of the offense for which
14 the individual has been found guilty.

15 (1) A person accountable for the conduct of another under
16 paragraph (3) of subsection (a) of Section 5-2 of the Criminal
17 Code of 2012 convicted of first degree murder, shall be
18 sentenced to imprisonment for a determinate term, subject to
19 Section 5-4.5-115 of this Code, of no more than 30 years. The
20 sentence of imprisonment for an extended term for first degree
21 murder for a person accountable for the conduct of another
22 under paragraph (3) of subsection (a) of Section 5-2 of the
23 Criminal Code of 2012, as provided in Section 5-8-2 of this
24 Code, subject to Section 5-4.5-115 of that Code, shall be no

1 more than 50 years. Except as provided in Section 3-3-8 of this
2 Code, the parole or mandatory supervised release term shall be
3 2 years upon release from imprisonment.

4 (2) A person accountable for the conduct of another under
5 paragraph (3) of subsection (a) of Section 5-2 of the Criminal
6 Code of 2012 convicted of a Class X felony is sentenced to
7 imprisonment for a determinate term, subject to Section
8 5-4.5-115 of this Code, of no more than 15 years. The sentence
9 of imprisonment for an extended term for a Class X felony for a
10 person accountable for the conduct of another under paragraph
11 (3) of subsection (a) of Section 5-2 of the Criminal Code of
12 2012, as provided in Section 5-8-2 of this Code, subject to
13 Section 5-4.5-115 of that Code, shall be no more than 30 years.
14 Except as provided in Section 3-3-8 or 5-8-1 of this Code, the
15 parole or mandatory supervised release term shall be 2 years
16 upon release from imprisonment.

17 (3) A person accountable for the conduct of another under
18 paragraph (3) of subsection (a) of Section 5-2 of the Criminal
19 Code of 2012 convicted of a Class 1 felony, other than for
20 second degree murder, shall be sentenced for a determinate
21 term, subject to Section 5-4.5-115 of this Code, of no more
22 than 7 years. The sentence of imprisonment for a person
23 accountable for the conduct of another under paragraph (3) of
24 subsection (a) of Section 5-2 of the Criminal Code of 2012
25 convicted of second degree murder, shall be a determinate term
26 of no more than 10 years, subject to Section 5-4.5-115 of this

1 Code. The sentence of imprisonment for an extended term for a
2 Class 1 felony for a person accountable for the conduct of
3 another under paragraph (3) of subsection (a) of Section 5-2
4 of the Criminal Code of 2012, as provided in Section 5-8-2 of
5 this Code, subject to Section 5-4.5-115 of that Code, shall be
6 no more than 15 years. Except as provided in Section 3-3-8 or
7 5-8-1 of this Code, the parole or mandatory supervised release
8 term shall be one year upon release from imprisonment.

9 (4) A person accountable for the conduct of another under
10 paragraph (3) of subsection (a) of Section 5-2 of the Criminal
11 Code of 2012 convicted of a Class 2 felony shall be sentenced
12 to a determinate term of no more than 3 years. The sentence of
13 imprisonment for an extended term for a Class 2 felony for a
14 person accountable for the conduct of another under paragraph
15 (3) of subsection (a) of Section 5-2 of the Criminal Code of
16 2012, as provided in Section 5-8-2 of this Code, shall be no
17 more than 7 years. Except as provided in Section 3-3-8 or 5-8-1
18 of this Code, the parole or mandatory supervised release term
19 shall be one year upon release from imprisonment.

20 (5) A person accountable for the conduct of another under
21 paragraph (3) of subsection (a) of Section 5-2 of the Criminal
22 Code of 2012 convicted of a Class 3 felony shall be sentenced
23 to a determinate term of no more than 2 years. The sentence of
24 imprisonment for an extended term for a Class 3 felony for a
25 person accountable for the conduct of another under paragraph
26 (3) of subsection (a) of Section 5-2 of the Criminal Code of

1 2012, as provided in Section 5-8-2 of this Code shall be no
2 more than 5 years. Except as provided in Section 3-3-8 or 5-8-1
3 of this Code, the parole or mandatory supervised release term
4 shall be 6 months upon release from imprisonment.

5 (6) The sentence of a person accountable for the conduct
6 of another under paragraph (3) of subsection (a) of Section
7 5-2 of the Criminal Code of 2012 convicted of a felony other
8 than those specified in paragraphs (1), (2), (3), (4), and (5)
9 is the sentence for a Class A misdemeanor. A misdemeanant may
10 be fined or imprisoned or both.

11 (7) Except as otherwise provided in Section 5-5-3 or 5-7-1
12 of this Code, a term of periodic imprisonment shall not be
13 imposed for a person accountable for the conduct of another
14 under paragraph (3) of subsection (a) of Section 5-2 of the
15 Criminal Code of 2012 convicted of first degree murder; a
16 sentence of periodic imprisonment shall be for a definite term
17 of 3 to 4 years for a Class X felony under this Section; a
18 sentence of periodic imprisonment shall be for a definite term
19 of 18 to 30 months for a Class 1 felony under this Section; a
20 sentence of periodic imprisonment shall be for a definite term
21 of up to 18 months for a Class 2 felony under this Section; a
22 sentence of periodic imprisonment shall be for a definite term
23 of up to 12 months for a Class 3 felony under this Section; and
24 a sentence of periodic imprisonment shall be for a definite
25 term of up to 9 months for any other felony not otherwise
26 specified in this Section.

1 (8) The impact incarceration program or the county impact
2 incarceration program is not an authorized disposition for a
3 person accountable for the conduct of another under paragraph
4 (3) of subsection (a) of Section 5-2 of the Criminal Code of
5 2012 convicted of first degree murder under this Section.
6 Sections 5-8-1.1 and 5-8-1.2 of this Code apply to eligibility
7 for the impact incarceration program or the county impact
8 incarceration program for all other felony classes under this
9 Section.

10 (9) A period of probation or conditional discharge shall
11 not be imposed for a person accountable for the conduct of
12 another under paragraph (3) of subsection (a) of Section 5-2
13 of the Criminal Code of 2012 convicted of first degree murder
14 under this Section. Except as provided in Section 5-5-3 or
15 5-6-2 of this Code, the period of probation or conditional
16 discharge shall not exceed:

17 (A) 4 years for a person accountable for the conduct
18 of another under paragraph (3) of subsection (a) of
19 Section 5-2 of the Criminal Code of 2012 convicted of a
20 Class X felony. In no case shall an offender be eligible
21 for a disposition of probation or conditional discharge
22 for a Class X felony committed while he or she was serving
23 a term of probation or conditional discharge for a felony;

24 (B) 3 years for a person accountable for the conduct
25 of another under paragraph (3) of subsection (a) of
26 Section 5-2 of the Criminal Code of 2012 convicted of a

1 Class 1 felony under this Section;

2 (C) 30 months for a person accountable for the conduct
3 of another under paragraph (3) of subsection (a) of
4 Section 5-2 of the Criminal Code of 2012 convicted of a
5 Class 2 felony under this Section;

6 (D) 24 months for a person accountable for the conduct
7 of another under paragraph (3) of subsection (a) of
8 Section 5-2 of the Criminal Code of 2012 convicted of a
9 Class 3 felony under this Section; and

10 (E) 18 months for a person accountable for the conduct
11 of another under paragraph (3) of subsection (a) of
12 Section 5-2 of the Criminal Code of 2012 convicted of a
13 felony other than those specified in this paragraph (9).

14 (F) The court shall specify the conditions of
15 probation or conditional discharge as set forth in Section
16 5-6-3 of this Code.

17 (10) Fines may be imposed as provided in Section 5-4.5-50
18 of this Code.

19 (11) Restitution for individuals accountable for the
20 conduct of another may be imposed as provided in Section 5-5-6
21 of this Code.

22 (12) The sentence shall be concurrent or consecutive as
23 provided in Section 5-8-4 and Section 5-4.5-50 of this Code.

24 (13) Section 20 of the Drug Court Treatment Act applies to
25 eligibility for a drug court program by a person accountable
26 for the conduct of another under paragraph (3) of subsection

1 (a) of Section 5-2 of the Criminal Code of 2012.

2 (14) Section 5-4.5-100 of this Code applies to credit for
3 time spent in home detention prior to judgment of conviction
4 for a person accountable for the conduct of another under
5 paragraph (3) of subsection (a) of Section 5-2 of the Criminal
6 Code of 2012.

7 (15) Section 3-6-3 of this Code or the County Jail Good
8 Behavior Allowance Act applies to rules and regulations for
9 sentence credit of a person accountable for the conduct of
10 another under paragraph (3) of subsection (a) of Section 5-2
11 of the Criminal Code of 2012.

12 (16) Section 5-8A-3 of this Code applies to the
13 eligibility of a person accountable for the conduct of another
14 under paragraph (3) of subsection (a) of Section 5-2 of the
15 Criminal Code of 2012 for electronic monitoring and home
16 detention.

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.