



Rep. Dan Brady

Filed: 3/16/2010

09600HB5197ham001

LRB096 16200 RLC 39102 a

1 AMENDMENT TO HOUSE BILL 5197

2 AMENDMENT NO. _____. Amend House Bill 5197 by replacing
3 everything after the enacting clause with the following:

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

6 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

7 Sec. 5-8-1. Natural life imprisonment; mandatory
8 supervised release.

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

14 (1) for first degree murder,

15 (a) (blank),

16 (b) if a trier of fact finds beyond a reasonable

1 doubt that ~~the murder was accompanied by exceptionally~~
2 ~~brutal or heinous behavior indicative of wanton~~
3 ~~cruelty or~~, except as set forth in subsection (a)(1)(c)
4 of this Section, ~~that~~ any of the aggravating factors
5 listed in subsection (b) of Section 9-1 of the Criminal
6 Code of 1961 are present, the court may sentence the
7 defendant to a term of natural life imprisonment, or

8 (c) the court shall sentence the defendant to a
9 term of natural life imprisonment when the death
10 penalty is not imposed if the defendant,

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

13 (ii) is a person who, at the time of the
14 commission of the murder, had attained the age of
15 17 or more and is found guilty of murdering an
16 individual under 12 years of age; or, irrespective
17 of the defendant's age at the time of the
18 commission of the offense, is found guilty of
19 murdering more than one victim, or

20 (iii) is found guilty of murdering a peace
21 officer, fireman, or emergency management worker
22 when the peace officer, fireman, or emergency
23 management worker was killed in the course of
24 performing his official duties, or to prevent the
25 peace officer or fireman from performing his
26 official duties, or in retaliation for the peace

1 officer, fireman, or emergency management worker
2 from performing his official duties, and the
3 defendant knew or should have known that the
4 murdered individual was a peace officer, fireman,
5 or emergency management worker, or

6 (iv) is found guilty of murdering an employee
7 of an institution or facility of the Department of
8 Corrections, or any similar local correctional
9 agency, when the employee was killed in the course
10 of performing his official duties, or to prevent
11 the employee from performing his official duties,
12 or in retaliation for the employee performing his
13 official duties, or

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

1 technician - intermediate, emergency medical
2 technician - paramedic, ambulance driver, or other
3 medical assistant or first aid personnel, or

4 (vi) is a person who, at the time of the
5 commission of the murder, had not attained the age
6 of 17, and is found guilty of murdering a person
7 under 12 years of age and the murder is committed
8 during the course of aggravated criminal sexual
9 assault, criminal sexual assault, or aggravated
10 kidnaping, or

11 (vii) is found guilty of first degree murder
12 and the murder was committed by reason of any
13 person's activity as a community policing
14 volunteer or to prevent any person from engaging in
15 activity as a community policing volunteer. For
16 the purpose of this Section, "community policing
17 volunteer" has the meaning ascribed to it in
18 Section 2-3.5 of the Criminal Code of 1961, or -

19 (viii) is found guilty of first degree murder
20 and the murder was was accompanied by
21 exceptionally brutal or heinous behavior
22 indicative of wanton cruelty.

23 For purposes of clause (v), "emergency medical
24 technician - ambulance", "emergency medical technician
25 - intermediate", "emergency medical technician -
26 paramedic", have the meanings ascribed to them in the

1 Emergency Medical Services (EMS) Systems Act.

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

5 (ii) if, during the commission of the offense,
6 the person personally discharged a firearm, 20
7 years shall be added to the term of imprisonment
8 imposed by the court;

9 (iii) if, during the commission of the
10 offense, the person personally discharged a
11 firearm that proximately caused great bodily harm,
12 permanent disability, permanent disfigurement, or
13 death to another person, 25 years or up to a term
14 of natural life shall be added to the term of
15 imprisonment imposed by the court.

16 (2) (blank);

17 (2.5) for a person convicted under the circumstances
18 described in paragraph (3) of subsection (b) of Section
19 12-13, paragraph (2) of subsection (d) of Section 12-14,
20 paragraph (1.2) of subsection (b) of Section 12-14.1, or
21 paragraph (2) of subsection (b) of Section 12-14.1 of the
22 Criminal Code of 1961, the sentence shall be a term of
23 natural life imprisonment.

24 (b) (Blank~~-~~)..

25 (c) (Blank~~-~~)..

26 (d) Subject to earlier termination under Section 3-3-8, the

1 parole or mandatory supervised release term shall be as
2 follows:

3 (1) for first degree murder or a Class X felony except
4 for the offenses of predatory criminal sexual assault of a
5 child, aggravated criminal sexual assault, and criminal
6 sexual assault if committed on or after the effective date
7 of this amendatory Act of the 94th General Assembly and
8 except for the offense of aggravated child pornography
9 under Section 11-20.3 of the Criminal Code of 1961, if
10 committed on or after January 1, 2009, 3 years;

11 (2) for a Class 1 felony or a Class 2 felony except for
12 the offense of criminal sexual assault if committed on or
13 after the effective date of this amendatory Act of the 94th
14 General Assembly and except for the offenses of manufacture
15 and dissemination of child pornography under clauses
16 (a)(1) and (a)(2) of Section 11-20.1 of the Criminal Code
17 of 1961, if committed on or after January 1, 2009, 2 years;

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

19 (4) for defendants who commit the offense of predatory
20 criminal sexual assault of a child, aggravated criminal
21 sexual assault, or criminal sexual assault, on or after the
22 effective date of this amendatory Act of the 94th General
23 Assembly, or who commit the offense of aggravated child
24 pornography, manufacture of child pornography, or
25 dissemination of child pornography after January 1, 2009,
26 the term of mandatory supervised release shall range from a

1 minimum of 3 years to a maximum of the natural life of the
2 defendant;

3 (5) if the victim is under 18 years of age, for a
4 second or subsequent offense of aggravated criminal sexual
5 abuse or felony criminal sexual abuse, 4 years, at least
6 the first 2 years of which the defendant shall serve in an
7 electronic home detention program under Article 8A of
8 Chapter V of this Code;

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

12 (e) (Blank~~→~~).

13 (f) (Blank~~→~~).

14 (Source: P.A. 95-983, eff. 6-1-09; 95-1052, eff. 7-1-09;
15 96-282, eff. 1-1-10; revised 9-4-09.)".