



Sen. John G. Mulroe

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LRB098 05661 RLC 45679 a

1 AMENDMENT TO HOUSE BILL 2647

2 AMENDMENT NO. _____. Amend House Bill 2647 on page 15, by
3 inserting immediately below line 11 the following:

4 "Section 10. 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.

1 (b) Concurrent terms; misdemeanor and felony. A defendant
2 serving a sentence for a misdemeanor who is convicted of a
3 felony and sentenced to imprisonment shall be transferred to
4 the Department of Corrections, and the misdemeanor sentence
5 shall be merged in and run concurrently with the felony
6 sentence.

7 (c) Consecutive terms; permissive. The court may impose
8 consecutive sentences in any of the following circumstances:

9 (1) If, having regard to the nature and circumstances
10 of the offense and the history and character of the
11 defendant, it is the opinion of the court that consecutive
12 sentences are required to protect the public from further
13 criminal conduct by the defendant, the basis for which the
14 court shall set forth in the record.

15 (2) If one of the offenses for which a defendant was
16 convicted was a violation of Section 32-5.2 (aggravated
17 false personation of a peace officer) of the Criminal Code
18 of 1961 (720 ILCS 5/32-5.2) or a violation of subdivision
19 (b) (5) or (b) (6) of Section 17-2 of the Criminal Code of
20 1961 or the Criminal Code of 2012 (720 ILCS 5/17-2) and the
21 offense was committed in attempting or committing a
22 forcible felony.

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

25 (1) One of the offenses for which the defendant was
26 convicted was first degree murder or a Class X or Class 1

1 felony and the defendant inflicted severe bodily injury.

2 (2) The defendant was convicted of a violation of
3 Section ~~11-20.1 (child pornography), 11-20.1B or 11-20.3~~
4 ~~(aggravated child pornography), 11-1.20 or~~ 12-13 (criminal
5 sexual assault), 11-1.30 or 12-14 (aggravated criminal
6 sexual assault), or 11-1.40 or 12-14.1 (predatory criminal
7 sexual assault of a child) of the Criminal Code of 1961 or
8 the Criminal Code of 2012 (720 ILCS 5/11-20.1, 5/11-20.1B,
9 5/11-20.3, 5/11-1.20, 5/12-13, 5/11-1.30, 5/12-14,
10 5/11-1.40, or 5/12-14.1).

11 (2.5) The defendant was convicted of a violation of
12 paragraph (1), (2), (3), (4), (5), or (7) of subsection (a)
13 of Section 11-20.1 (child pornography) or of paragraph (1),
14 (2), (3), (4), (5), or (7) of subsection (a) of Section
15 11-20.1B or 11-20.3 (aggravated child pornography) of the
16 Criminal Code of 1961 or the Criminal Code of 2012; or the
17 defendant was convicted of a violation of paragraph (6) of
18 subsection (a) of Section 11-20.1 (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, when the child
22 depicted is under the age of 13.

23 (3) The defendant was convicted of armed violence based
24 upon the predicate offense of any of the following:
25 solicitation of murder, solicitation of murder for hire,
26 heinous battery as described in Section 12-4.1 or

1 subdivision (a)(2) of Section 12-3.05, aggravated battery
2 of a senior citizen as described in Section 12-4.6 or
3 subdivision (a)(4) of Section 12-3.05, criminal sexual
4 assault, a violation of subsection (g) of Section 5 of the
5 Cannabis Control Act (720 ILCS 550/5), cannabis
6 trafficking, a violation of subsection (a) of Section 401
7 of the Illinois Controlled Substances Act (720 ILCS
8 570/401), controlled substance trafficking involving a
9 Class X felony amount of controlled substance under Section
10 401 of the Illinois Controlled Substances Act (720 ILCS
11 570/401), a violation of the Methamphetamine Control and
12 Community Protection Act (720 ILCS 646/), calculated
13 criminal drug conspiracy, or streetgang criminal drug
14 conspiracy.

15 (4) The defendant was convicted of the offense of
16 leaving the scene of a motor vehicle accident involving
17 death or personal injuries under Section 11-401 of the
18 Illinois Vehicle Code (625 ILCS 5/11-401) and either: (A)
19 aggravated driving under the influence of alcohol, other
20 drug or drugs, or intoxicating compound or compounds, or
21 any combination thereof under Section 11-501 of the
22 Illinois Vehicle Code (625 ILCS 5/11-501), (B) reckless
23 homicide under Section 9-3 of the Criminal Code of 1961 or
24 the Criminal Code of 2012 (720 ILCS 5/9-3), or (C) both an
25 offense described in item (A) and an offense described in
26 item (B).

1 (5) The defendant was convicted of a violation of
2 Section 9-3.1 or Section 9-3.4 (concealment of homicidal
3 death) or Section 12-20.5 (dismembering a human body) of
4 the Criminal Code of 1961 or the Criminal Code of 2012 (720
5 ILCS 5/9-3.1 or 5/12-20.5).

6 (5.5) The defendant was convicted of a violation of
7 Section 24-3.7 (use of a stolen firearm in the commission
8 of an offense) of the Criminal Code of 1961 or the Criminal
9 Code of 2012.

10 (6) If the defendant was in the custody of the
11 Department of Corrections at the time of the commission of
12 the offense, the sentence shall be served consecutive to
13 the sentence under which the defendant is held by the
14 Department of Corrections. If, however, the defendant is
15 sentenced to punishment by death, the sentence shall be
16 executed at such time as the court may fix without regard
17 to the sentence under which the defendant may be held by
18 the Department.

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

23 (8) If a person charged with a felony commits a
24 separate felony while on pretrial release or in pretrial
25 detention in a county jail facility or county detention
26 facility, then the sentences imposed upon conviction of

1 these felonies shall be served consecutively regardless of
2 the order in which the judgments of conviction are entered.

3 (8.5) If a person commits a battery against a county
4 correctional officer or sheriff's employee while serving a
5 sentence or in pretrial detention in a county jail
6 facility, then the sentence imposed upon conviction of the
7 battery shall be served consecutively with the sentence
8 imposed upon conviction of the earlier misdemeanor or
9 felony, regardless of the order in which the judgments of
10 conviction are entered.

11 (9) If a person admitted to bail following conviction
12 of a felony commits a separate felony while free on bond or
13 if a person detained in a county jail facility or county
14 detention facility following conviction of a felony
15 commits a separate felony while in detention, then any
16 sentence following conviction of the separate felony shall
17 be consecutive to that of the original sentence for which
18 the defendant was on bond or detained.

19 (10) If a person is found to be in possession of an
20 item of contraband, as defined in Section 31A-0.1 of the
21 Criminal Code of 2012, while serving a sentence in a county
22 jail or while in pre-trial detention in a county jail, the
23 sentence imposed upon conviction for the offense of
24 possessing contraband in a penal institution shall be
25 served consecutively to the sentence imposed for the
26 offense in which the person is serving sentence in the

1 county jail or serving pretrial detention, regardless of
2 the order in which the judgments of conviction are entered.

3 (11) If a person is sentenced for a violation of bail
4 bond under Section 32-10 of the Criminal Code of 1961 or
5 the Criminal Code of 2012, any sentence imposed for that
6 violation shall be served consecutive to the sentence
7 imposed for the charge for which bail had been granted and
8 with respect to which the defendant has been convicted.

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

21 (f) Consecutive terms; aggregate maximums and minimums.
22 The aggregate maximum and aggregate minimum of consecutive
23 sentences shall be determined as follows:

24 (1) For sentences imposed under law in effect prior to
25 February 1, 1978, the aggregate maximum of consecutive
26 sentences shall not exceed the maximum term authorized

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

10 (2) For sentences imposed under the law in effect on or
11 after February 1, 1978, the aggregate of consecutive
12 sentences for offenses that were committed as part of a
13 single course of conduct during which there was no
14 substantial change in the nature of the criminal objective
15 shall not exceed the sum of the maximum terms authorized
16 under Article 4.5 of Chapter V for the 2 most serious
17 felonies involved, but no such limitation shall apply for
18 offenses that were not committed as part of a single course
19 of conduct during which there was no substantial change in
20 the nature of the criminal objective. When sentenced only
21 for misdemeanors, a defendant shall not be consecutively
22 sentenced to more than the maximum for one Class A
23 misdemeanor.

24 (g) Consecutive terms; manner served. In determining the
25 manner in which consecutive sentences of imprisonment, one or
26 more of which is for a felony, will be served, the Department

1 of Corrections shall treat the defendant as though he or she
2 had been committed for a single term subject to each of the
3 following:

4 (1) The maximum period of a term of imprisonment shall
5 consist of the aggregate of the maximums of the imposed
6 indeterminate terms, if any, plus the aggregate of the
7 imposed determinate sentences for felonies, plus the
8 aggregate of the imposed determinate sentences for
9 misdemeanors, subject to subsection (f) of this Section.

10 (2) The parole or mandatory supervised release term
11 shall be as provided in paragraph (e) of Section 5-4.5-50
12 (730 ILCS 5/5-4.5-50) for the most serious of the offenses
13 involved.

14 (3) The minimum period of imprisonment shall be the
15 aggregate of the minimum and determinate periods of
16 imprisonment imposed by the court, subject to subsection
17 (f) of this Section.

18 (4) The defendant shall be awarded credit against the
19 aggregate maximum term and the aggregate minimum term of
20 imprisonment for all time served in an institution since
21 the commission of the offense or offenses and as a
22 consequence thereof at the rate specified in Section 3-6-3
23 (730 ILCS 5/3-6-3).

24 (Source: P.A. 96-190, eff. 1-1-10; 96-1000, eff. 7-2-10;
25 96-1200, eff. 7-22-10; 96-1551, Article 1, Section 970, eff.
26 7-1-11; 96-1551, Article 2, Section 1065, eff. 7-1-11; 96-1551,

1 Article 10, Section 10-150, eff. 7-1-11; 97-475, eff. 8-22-11;
2 97-1108, eff. 1-1-13; 97-1109, eff. 1-1-13; 97-1150, eff.
3 1-25-13.)".