



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB2953

by Rep. Scott Drury

SYNOPSIS AS INTRODUCED:

730 ILCS 5/5-4.5-50

Amends the Unified Code of Corrections. Provides that when a separate finding of fact by the trier of fact shows beyond a reasonable doubt that an offender is a public official who has been convicted of a felony and that the felony conviction relates to, arises out of, or is in connection with the offender's holding of an elected office, the offender may be sentenced to pay a fine not to exceed the greater of the value of the salary and fringe benefits paid to the offender, by virtue of holding an elected public office, after the commission of the first act that was a basis for the felony conviction or \$25,000.

LRB098 07716 RLC 37793 b

FISCAL NOTE ACT
MAY APPLY

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 5-4.5-50 as follows:

6 (730 ILCS 5/5-4.5-50)

7 Sec. 5-4.5-50. SENTENCE PROVISIONS; ALL FELONIES. Except
8 as otherwise provided, for all felonies:

9 (a) NO SUPERVISION. The court, upon a plea of guilty or a
10 stipulation by the defendant of the facts supporting the charge
11 or a finding of guilt, may not defer further proceedings and
12 the imposition of a sentence and may not enter an order for
13 supervision of the defendant.

14 (b) FELONY FINES. Except as otherwise provided in
15 subsection (b-5) of this Section, an ~~An~~ offender may be
16 sentenced to pay a fine not to exceed, for each offense,
17 \$25,000 or the amount specified in the offense, whichever is
18 greater, or if the offender is a corporation, \$50,000 or the
19 amount specified in the offense, whichever is greater. A fine
20 may be imposed in addition to a sentence of conditional
21 discharge, probation, periodic imprisonment, or imprisonment.
22 See Article 9 of Chapter V (730 ILCS 5/Ch. V, Art. 9) for
23 imposition of additional amounts and determination of amounts

1 and payment.

2 (b-5) PUBLIC OFFICIALS; FELONY CONVICTION. When a separate
3 finding of fact by the trier of fact shows beyond a reasonable
4 doubt that an offender is a public official who has been
5 convicted of a felony and that the felony conviction relates
6 to, arises out of, or is in connection with the offender's
7 holding of an elected office, the offender may be sentenced to
8 pay a fine not to exceed the greater of the value of the salary
9 and fringe benefits paid to the offender, by virtue of holding
10 an elected public office, after the commission of the first act
11 that was a basis for the felony conviction or \$25,000. As used
12 in this subsection (b-5), "public official" has the meaning
13 ascribed to it in Section 9-1.11 of the Election Code.

14 (c) REASONS FOR SENTENCE STATED. The sentencing judge in
15 each felony conviction shall set forth his or her reasons for
16 imposing the particular sentence entered in the case, as
17 provided in Section 5-4-1 (730 ILCS 5/5-4-1). Those reasons may
18 include any mitigating or aggravating factors specified in this
19 Code, or the lack of any such factors, as well as any other
20 mitigating or aggravating factors that the judge sets forth on
21 the record that are consistent with the purposes and principles
22 of sentencing set out in this Code.

23 (d) MOTION TO REDUCE SENTENCE. A motion to reduce a
24 sentence may be made, or the court may reduce a sentence
25 without motion, within 30 days after the sentence is imposed. A
26 defendant's challenge to the correctness of a sentence or to

1 any aspect of the sentencing hearing shall be made by a written
2 motion filed with the circuit court clerk within 30 days
3 following the imposition of sentence. A motion not filed within
4 that 30-day period is not timely. The court may not increase a
5 sentence once it is imposed. A notice of motion must be filed
6 with the motion. The notice of motion shall set the motion on
7 the court's calendar on a date certain within a reasonable time
8 after the date of filing.

9 If a motion filed pursuant to this subsection is timely
10 filed, the proponent of the motion shall exercise due diligence
11 in seeking a determination on the motion and the court shall
12 thereafter decide the motion within a reasonable time.

13 If a motion filed pursuant to this subsection is timely
14 filed, then for purposes of perfecting an appeal, a final
15 judgment is not considered to have been entered until the
16 motion to reduce the sentence has been decided by order entered
17 by the trial court.

18 (e) CONCURRENT SENTENCE; PREVIOUS UNEXPIRED FEDERAL OR
19 OTHER-STATE SENTENCE. A defendant who has a previous and
20 unexpired sentence of imprisonment imposed by another state or
21 by any district court of the United States and who, after
22 sentence for a crime in Illinois, must return to serve the
23 unexpired prior sentence may have his or her sentence by the
24 Illinois court ordered to be concurrent with the prior
25 other-state or federal sentence. The court may order that any
26 time served on the unexpired portion of the other-state or

1 federal sentence, prior to his or her return to Illinois, shall
2 be credited on his or her Illinois sentence. The appropriate
3 official of the other state or the United States shall be
4 furnished with a copy of the order imposing sentence, which
5 shall provide that, when the offender is released from
6 other-state or federal confinement, whether by parole or by
7 termination of sentence, the offender shall be transferred by
8 the Sheriff of the committing Illinois county to the Illinois
9 Department of Corrections. The court shall cause the Department
10 of Corrections to be notified of the sentence at the time of
11 commitment and to be provided with copies of all records
12 regarding the sentence.

13 (f) REDUCTION; PREVIOUS UNEXPIRED ILLINOIS SENTENCE. A
14 defendant who has a previous and unexpired sentence of
15 imprisonment imposed by an Illinois circuit court for a crime
16 in this State and who is subsequently sentenced to a term of
17 imprisonment by another state or by any district court of the
18 United States and who has served a term of imprisonment imposed
19 by the other state or district court of the United States, and
20 must return to serve the unexpired prior sentence imposed by
21 the Illinois circuit court, may apply to the Illinois circuit
22 court that imposed sentence to have his or her sentence
23 reduced.

24 The circuit court may order that any time served on the
25 sentence imposed by the other state or district court of the
26 United States be credited on his or her Illinois sentence. The

1 application for reduction of a sentence under this subsection
2 shall be made within 30 days after the defendant has completed
3 the sentence imposed by the other state or district court of
4 the United States.

5 (g) NO REQUIRED BIRTH CONTROL. A court may not impose a
6 sentence or disposition that requires the defendant to be
7 implanted or injected with or to use any form of birth control.
8 (Source: P.A. 95-1052, eff. 7-1-09.)