

1 AN ACT in relation to firearms.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Department of State Police Law of the
5 Civil Administrative Code of Illinois is amended by adding
6 Section 2605-555 as follows:

7 (20 ILCS 2605/2605-555 new)

8 Sec. 2605-555. Pilot program; Project Exile.

9 (a) The Department shall establish a Project Exile pilot
10 program to combat gun violence.

11 (b) Through the pilot program, the Department, in
12 coordination with local law enforcement agencies, State's
13 Attorneys, and United States Attorneys, shall, to the extent
14 possible, encourage the prosecution in federal court of all
15 persons who illegally use, attempt to use, or threaten to use
16 firearms against the person or property of another, of all
17 persons who use or possess a firearm in connection with a
18 violation of the Cannabis Control Act or the Illinois
19 Controlled Substances Act, and of all persons who use or
20 possess a firearm in connection with a violation of an order
21 of protection issued under the Illinois Domestic Violence Act
22 of 1986 or Article 112A of the Code of Criminal Procedure of
23 1963 or in connection with the offense of domestic battery.
24 The program shall also encourage public outreach by law
25 enforcement agencies.

26 (c) There is created the Project Exile Fund, a special
27 fund in the State treasury. Moneys appropriated for the
28 purposes of Project Exile and moneys from any other private
29 or public source, including without limitation grants from
30 the Department of Commerce and Community Affairs, shall be
31 deposited into the Fund. Moneys in the Fund, subject to

1 appropriation, may be used by the Department of State Police
2 to develop and administer the Project Exile pilot program.

3 (d) The Department shall report to the General Assembly
4 by March 1, 2003 regarding the implementation and effects of
5 the Project Exile pilot program and shall by that date make
6 recommendations to the General Assembly for changes in the
7 program that the Department deems appropriate.

8 The requirement for reporting to the General Assembly
9 shall be satisfied by filing copies of the report with the
10 Speaker, the Minority Leader, and the Clerk of the House of
11 Representatives, with the President, the Minority Leader, and
12 the Secretary of the Senate, and with the Legislative
13 Research Unit, as required by Section 3.1 of the General
14 Assembly Organization Act, and filing such additional copies
15 with the State Government Report Distribution Center for the
16 General Assembly as is required under paragraph (t) of
17 Section 7 of the State Library Act.

18 Section 10. The State Finance Act is amended by adding
19 Section 5.546 as follows:

20 (30 ILCS 105/5.546 new)

21 Sec. 5.546. The Project Exile Fund.

22 Section 15. The Code of Criminal Procedure of 1963 is
23 amended by adding Section 111-9 as follows:

24 (725 ILCS 5/111-9 new)

25 Sec. 111-9. Felony offenses involving the use of a
26 firearm. A person who has been convicted in a federal court
27 of a felony involving the use, attempted use, or threatened
28 use of a firearm against the person or property of another
29 that is also a felony violation of the Criminal Code of 1961,
30 or involving the use, attempted use, or threatened use of a

1 firearm during the commission or attempted commission of a
2 felony violation of the Illinois Controlled Substances Act or
3 the Cannabis Control Act, may be prosecuted for any such
4 violation and upon conviction shall be sentenced as provided
5 for in the offense, and such sentence shall be consecutive
6 to, and not concurrent with, any sentence imposed by the
7 federal court for the federal violation.

8 Section 20. The Unified Code of Corrections is amended
9 by changing Section 5-8-4 as follows:

10 (730 ILCS 5/5-8-4) (from Ch. 38, par. 1005-8-4)

11 Sec. 5-8-4. Concurrent and Consecutive Terms of
12 Imprisonment.

13 (a) When multiple sentences of imprisonment are imposed
14 on a defendant at the same time, or when a term of
15 imprisonment is imposed on a defendant who is already subject
16 to sentence in this State or in another state, or for a
17 sentence imposed by any district court of the United States,
18 the sentences shall run concurrently or consecutively as
19 determined by the court. When a term of imprisonment is
20 imposed on a defendant by an Illinois circuit court and the
21 defendant is subsequently sentenced to a term of imprisonment
22 by another state or by a district court of the United States,
23 the Illinois circuit court which imposed the sentence may
24 order that the Illinois sentence be made concurrent with the
25 sentence imposed by the other state or district court of the
26 United States. The defendant must apply to the circuit court
27 within 30 days after the defendant's sentence imposed by the
28 other state or district of the United States is finalized.
29 The court shall not impose consecutive sentences for offenses
30 which were committed as part of a single course of conduct
31 during which there was no substantial change in the nature of
32 the criminal objective, unless:

1 (i) one of the offenses for which defendant was
2 convicted was first degree murder or a Class X or Class 1
3 felony and the defendant inflicted severe bodily injury,
4 or

5 (ii) the defendant was convicted of a violation of
6 Section 12-13, 12-14, or 12-14.1 of the Criminal Code of
7 1961, or

8 (iii) the defendant was convicted of armed violence
9 based upon the predicate offense of solicitation of
10 murder, solicitation of murder for hire, heinous battery,
11 aggravated battery of a senior citizen, criminal sexual
12 assault, a violation of subsection (g) of Section 5 of
13 the Cannabis Control Act, cannabis trafficking, a
14 violation of subsection (a) of Section 401 of the
15 Illinois Controlled Substances Act, controlled substance
16 trafficking involving a Class X felony amount of
17 controlled substance under Section 401 of the Illinois
18 Controlled Substances Act, calculated criminal drug
19 conspiracy, or streetgang criminal drug conspiracy,
20 in which event the court shall enter sentences to run
21 consecutively. Sentences shall run concurrently unless
22 otherwise specified by the court.

23 (b) The court shall not impose a consecutive sentence
24 except as provided for in subsection (a) unless, having
25 regard to the nature and circumstances of the offense and the
26 history and character of the defendant, it is of the opinion
27 that such a term is required to protect the public from
28 further criminal conduct by the defendant, the basis for
29 which the court shall set forth in the record; except that no
30 such finding or opinion is required when multiple sentences
31 of imprisonment are imposed on a defendant for offenses that
32 were not committed as part of a single course of conduct
33 during which there was no substantial change in the nature of
34 the criminal objective, and one of the offenses for which the

1 defendant was convicted was first degree murder or a Class X
2 or Class 1 felony and the defendant inflicted severe bodily
3 injury, or when the defendant was convicted of a violation of
4 Section 12-13, 12-14, or 12-14.1 of the Criminal Code of
5 1961, or where the defendant was convicted of armed violence
6 based upon the predicate offense of solicitation of murder,
7 solicitation of murder for hire, heinous battery, aggravated
8 battery of a senior citizen, criminal sexual assault, a
9 violation of subsection (g) of Section 5 of the Cannabis
10 Control Act, cannabis trafficking, a violation of subsection
11 (a) of Section 401 of the Illinois Controlled Substances Act,
12 controlled substance trafficking involving a Class X felony
13 amount of controlled substance under Section 401 of the
14 Illinois Controlled Substances Act, calculated criminal drug
15 conspiracy, or streetgang criminal drug conspiracy, in which
16 event the Court shall enter sentences to run consecutively.

17 (c) (1) For sentences imposed under law in effect prior
18 to February 1, 1978 the aggregate maximum of consecutive
19 sentences shall not exceed the maximum term authorized
20 under Section 5-8-1 for the 2 most serious felonies
21 involved. The aggregate minimum period of consecutive
22 sentences shall not exceed the highest minimum term
23 authorized under Section 5-8-1 for the 2 most serious
24 felonies involved. When sentenced only for misdemeanors,
25 a defendant shall not be consecutively sentenced to more
26 than the maximum for one Class A misdemeanor.

27 (2) For sentences imposed under the law in effect
28 on or after February 1, 1978, the aggregate of
29 consecutive sentences for offenses that were committed as
30 part of a single course of conduct during which there was
31 no substantial change in the nature of the criminal
32 objective shall not exceed the sum of the maximum terms
33 authorized under Section 5-8-2 for the 2 most serious
34 felonies involved, but no such limitation shall apply for

1 offenses that were not committed as part of a single
2 course of conduct during which there was no substantial
3 change in the nature of the criminal objective. When
4 sentenced only for misdemeanors, a defendant shall not be
5 consecutively sentenced to more than the maximum for one
6 Class A misdemeanor.

7 (d) An offender serving a sentence for a misdemeanor who
8 is convicted of a felony and sentenced to imprisonment shall
9 be transferred to the Department of Corrections, and the
10 misdemeanor sentence shall be merged in and run concurrently
11 with the felony sentence.

12 (e) In determining the manner in which consecutive
13 sentences of imprisonment, one or more of which is for a
14 felony, will be served, the Department of Corrections shall
15 treat the offender as though he had been committed for a
16 single term with the following incidents:

17 (1) the maximum period of a term of imprisonment
18 shall consist of the aggregate of the maximums of the
19 imposed indeterminate terms, if any, plus the aggregate
20 of the imposed determinate sentences for felonies plus
21 the aggregate of the imposed determinate sentences for
22 misdemeanors subject to paragraph (c) of this Section;

23 (2) the parole or mandatory supervised release term
24 shall be as provided in paragraph (e) of Section 5-8-1 of
25 this Code for the most serious of the offenses involved;

26 (3) the minimum period of imprisonment shall be the
27 aggregate of the minimum and determinate periods of
28 imprisonment imposed by the court, subject to paragraph
29 (c) of this Section; and

30 (4) the offender shall be awarded credit against
31 the aggregate maximum term and the aggregate minimum term
32 of imprisonment for all time served in an institution
33 since the commission of the offense or offenses and as a
34 consequence thereof at the rate specified in Section

1 3-6-3 of this Code.

2 (f) A sentence of an offender committed to the
3 Department of Corrections at the time of the commission of
4 the offense shall be served consecutive to the sentence under
5 which he is held by the Department of Corrections. However,
6 in case such offender shall be sentenced to punishment by
7 death, the sentence shall be executed at such time as the
8 court may fix without regard to the sentence under which such
9 offender may be held by the Department.

10 (g) A sentence under Section 3-6-4 for escape or
11 attempted escape shall be served consecutive to the terms
12 under which the offender is held by the Department of
13 Corrections.

14 (h) If a person charged with a felony commits a separate
15 felony while on pre-trial release or in pretrial detention in
16 a county jail facility or county detention facility, the
17 sentences imposed upon conviction of these felonies shall be
18 served consecutively regardless of the order in which the
19 judgments of conviction are entered.

20 (i) If a person admitted to bail following conviction of
21 a felony commits a separate felony while free on bond or if a
22 person detained in a county jail facility or county detention
23 facility following conviction of a felony commits a separate
24 felony while in detention, any sentence following conviction
25 of the separate felony shall be consecutive to that of the
26 original sentence for which the defendant was on bond or
27 detained.

28 (j) A person who has been convicted in a federal court
29 of a felony involving the use, attempted use, or threatened
30 use of a firearm against the person or property of another
31 that is also a felony violation of the Criminal Code of 1961,
32 or involving the use, attempted use, or threatened use of a
33 firearm during the commission or attempted commission of a
34 felony violation of the Illinois Controlled Substances Act or

1 the Cannabis Control Act, may be prosecuted for any such
2 violation and upon conviction shall be sentenced as provided
3 for in the offense, and such sentence shall be consecutive
4 to, and not concurrent with, any sentence imposed by the
5 federal court for the federal violation.

6 (Source: P.A. 90-128, eff. 7-22-97; 91-144, eff. 1-1-00;
7 91-404, eff. 1-1-00; revised 9-29-99.)

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.

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Statutes amended in order of appearance

20 ILCS 2605/2605-555 new

30 ILCS 105/5.541 new

725 ILCS 5/111-9 new

730 ILCS 5/5-8-4 from Ch. 38, par. 1005-8-4