

1 AN ACT concerning organized gangs, which may be referred
2 to as the Severo Anti-gang Amendments of 2001.

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

5 Section 5. The Criminal Code of 1961 is amended by
6 changing Sections 9-1, 12-4, 12-4.2, and 24-1.2 as follows:

7 (720 ILCS 5/9-1) (from Ch. 38, par. 9-1)

8 Sec. 9-1. First degree Murder - Death penalties -
9 Exceptions - Separate Hearings - Proof - Findings - Appellate
10 procedures - Reversals.

11 (a) A person who kills an individual without lawful
12 justification commits first degree murder if, in performing
13 the acts which cause the death:

14 (1) he either intends to kill or do great bodily
15 harm to that individual or another, or knows that such
16 acts will cause death to that individual or another; or

17 (2) he knows that such acts create a strong
18 probability of death or great bodily harm to that
19 individual or another; or

20 (3) he is attempting or committing a forcible
21 felony other than second degree murder.

22 (b) Aggravating Factors. A defendant who at the time of
23 the commission of the offense has attained the age of 18 or
24 more and who has been found guilty of first degree murder may
25 be sentenced to death if:

26 (1) the murdered individual was a peace officer or
27 fireman killed in the course of performing his official
28 duties, to prevent the performance of his official
29 duties, or in retaliation for performing his official
30 duties, and the defendant knew or should have known that
31 the murdered individual was a peace officer or fireman;

1 or

2 (2) the murdered individual was an employee of an
3 institution or facility of the Department of Corrections,
4 or any similar local correctional agency, killed in the
5 course of performing his official duties, to prevent the
6 performance of his official duties, or in retaliation for
7 performing his official duties, or the murdered
8 individual was an inmate at such institution or facility
9 and was killed on the grounds thereof, or the murdered
10 individual was otherwise present in such institution or
11 facility with the knowledge and approval of the chief
12 administrative officer thereof; or

13 (3) the defendant has been convicted of murdering
14 two or more individuals under subsection (a) of this
15 Section or under any law of the United States or of any
16 state which is substantially similar to subsection (a) of
17 this Section regardless of whether the deaths occurred
18 as the result of the same act or of several related or
19 unrelated acts so long as the deaths were the result of
20 either an intent to kill more than one person or of
21 separate acts which the defendant knew would cause death
22 or create a strong probability of death or great bodily
23 harm to the murdered individual or another; or

24 (4) the murdered individual was killed as a result
25 of the hijacking of an airplane, train, ship, bus or
26 other public conveyance; or

27 (5) the defendant committed the murder pursuant to
28 a contract, agreement or understanding by which he was to
29 receive money or anything of value in return for
30 committing the murder or procured another to commit the
31 murder for money or anything of value; or

32 (6) the murdered individual was killed in the
33 course of another felony if:

34 (a) the murdered individual:

1 (i) was actually killed by the defendant,
2 or

3 (ii) received physical injuries
4 personally inflicted by the defendant
5 substantially contemporaneously with physical
6 injuries caused by one or more persons for
7 whose conduct the defendant is legally
8 accountable under Section 5-2 of this Code, and
9 the physical injuries inflicted by either the
10 defendant or the other person or persons for
11 whose conduct he is legally accountable caused
12 the death of the murdered individual; and

13 (b) in performing the acts which caused the
14 death of the murdered individual or which resulted
15 in physical injuries personally inflicted by the
16 defendant on the murdered individual under the
17 circumstances of subdivision (ii) of subparagraph
18 (a) of paragraph (6) of subsection (b) of this
19 Section, the defendant acted with the intent to kill
20 the murdered individual or with the knowledge that
21 his acts created a strong probability of death or
22 great bodily harm to the murdered individual or
23 another; and

24 (c) the other felony was one of the following:
25 armed robbery, armed violence, robbery, predatory
26 criminal sexual assault of a child, aggravated
27 criminal sexual assault, aggravated kidnapping,
28 aggravated vehicular hijacking, forcible detention,
29 arson, aggravated arson, aggravated stalking,
30 burglary, residential burglary, home invasion,
31 calculated criminal drug conspiracy as defined in
32 Section 405 of the Illinois Controlled Substances
33 Act, streetgang criminal drug conspiracy as defined
34 in Section 405.2 of the Illinois Controlled

1 Substances Act, or the attempt to commit any of the
2 felonies listed in this subsection (c); or

3 (7) the murdered individual was under 12 years of
4 age and the death resulted from exceptionally brutal or
5 heinous behavior indicative of wanton cruelty; or

6 (8) the defendant committed the murder with intent
7 to prevent the murdered individual from testifying in any
8 criminal prosecution or giving material assistance to the
9 State in any investigation or prosecution, either against
10 the defendant or another; or the defendant committed the
11 murder because the murdered individual was a witness in
12 any prosecution or gave material assistance to the State
13 in any investigation or prosecution, either against the
14 defendant or another; or

15 (9) the defendant, while committing an offense
16 punishable under Sections 401, 401.1, 401.2, 405, 405.2,
17 407 or 407.1 or subsection (b) of Section 404 of the
18 Illinois Controlled Substances Act, or while engaged in a
19 conspiracy or solicitation to commit such offense,
20 intentionally killed an individual or counseled,
21 commanded, induced, procured or caused the intentional
22 killing of the murdered individual; or

23 (10) the defendant was incarcerated in an
24 institution or facility of the Department of Corrections
25 at the time of the murder, and while committing an
26 offense punishable as a felony under Illinois law, or
27 while engaged in a conspiracy or solicitation to commit
28 such offense, intentionally killed an individual or
29 counseled, commanded, induced, procured or caused the
30 intentional killing of the murdered individual; or

31 (11) the murder was committed in a cold, calculated
32 and premeditated manner pursuant to a preconceived plan,
33 scheme or design to take a human life by unlawful means,
34 and the conduct of the defendant created a reasonable

1 expectation that the death of a human being would result
2 therefrom; or

3 (12) the murdered individual was an emergency
4 medical technician - ambulance, emergency medical
5 technician - intermediate, emergency medical technician -
6 paramedic, ambulance driver, or other medical assistance
7 or first aid personnel, employed by a municipality or
8 other governmental unit, killed in the course of
9 performing his official duties, to prevent the
10 performance of his official duties, or in retaliation for
11 performing his official duties, and the defendant knew or
12 should have known that the murdered individual was an
13 emergency medical technician - ambulance, emergency
14 medical technician - intermediate, emergency medical
15 technician - paramedic, ambulance driver, or other
16 medical assistance or first aid personnel; or

17 (13) the defendant was a principal administrator,
18 organizer, or leader of a calculated criminal drug
19 conspiracy consisting of a hierarchical position of
20 authority superior to that of all other members of the
21 conspiracy, and the defendant counseled, commanded,
22 induced, procured, or caused the intentional killing of
23 the murdered person; or

24 (14) the murder was intentional and involved the
25 infliction of torture. For the purpose of this Section
26 torture means the infliction of or subjection to extreme
27 physical pain, motivated by an intent to increase or
28 prolong the pain, suffering or agony of the victim; or

29 (15) the murder was committed as a result of the
30 intentional discharge of a firearm by the defendant from
31 a motor vehicle and the victim was not present within the
32 motor vehicle; or

33 (16) the murdered individual was 60 years of age or
34 older and the death resulted from exceptionally brutal or

1 heinous behavior indicative of wanton cruelty; or

2 (17) the murdered individual was a disabled person
3 and the defendant knew or should have known that the
4 murdered individual was disabled. For purposes of this
5 paragraph (17), "disabled person" means a person who
6 suffers from a permanent physical or mental impairment
7 resulting from disease, an injury, a functional disorder,
8 or a congenital condition that renders the person
9 incapable of adequately providing for his or her own
10 health or personal care; or

11 (18) the murder was committed by reason of any
12 person's activity as a community policing volunteer or to
13 prevent any person from engaging in activity as a
14 community policing volunteer; or

15 (19) the murdered individual was subject to an
16 order of protection and the murder was committed by a
17 person against whom the same order of protection was
18 issued under the Illinois Domestic Violence Act of 1986;
19 or

20 (20) the murdered individual was known by the
21 defendant to be a teacher or other person employed in any
22 school and the teacher or other employee is upon the
23 grounds of a school or grounds adjacent to a school, or
24 is in any part of a building used for school purposes;
25 or-

26 (21) the defendant committed the murder in
27 furtherance of the activities of an organized gang or by
28 his or her membership in or allegiance to an organized
29 gang, and the murdered victim was not a member of an
30 organized gang. For the purposes of this subsection,
31 "organized gang" has the meaning ascribed to it in
32 Section 10 of the Streetgang Terrorism Omnibus
33 Prevention Act.

34 (c) Consideration of factors in Aggravation and

1 Mitigation.

2 The court shall consider, or shall instruct the jury to
3 consider any aggravating and any mitigating factors which are
4 relevant to the imposition of the death penalty. Aggravating
5 factors may include but need not be limited to those factors
6 set forth in subsection (b). Mitigating factors may include
7 but need not be limited to the following:

8 (1) the defendant has no significant history of
9 prior criminal activity;

10 (2) the murder was committed while the defendant
11 was under the influence of extreme mental or emotional
12 disturbance, although not such as to constitute a defense
13 to prosecution;

14 (3) the murdered individual was a participant in
15 the defendant's homicidal conduct or consented to the
16 homicidal act;

17 (4) the defendant acted under the compulsion of
18 threat or menace of the imminent infliction of death or
19 great bodily harm;

20 (5) the defendant was not personally present during
21 commission of the act or acts causing death.

22 (d) Separate sentencing hearing.

23 Where requested by the State, the court shall conduct a
24 separate sentencing proceeding to determine the existence of
25 factors set forth in subsection (b) and to consider any
26 aggravating or mitigating factors as indicated in subsection
27 (c). The proceeding shall be conducted:

28 (1) before the jury that determined the defendant's
29 guilt; or

30 (2) before a jury impanelled for the purpose of the
31 proceeding if:

32 A. the defendant was convicted upon a plea of
33 guilty; or

34 B. the defendant was convicted after a trial

1 before the court sitting without a jury; or

2 C. the court for good cause shown discharges
3 the jury that determined the defendant's guilt; or

4 (3) before the court alone if the defendant waives
5 a jury for the separate proceeding.

6 (e) Evidence and Argument.

7 During the proceeding any information relevant to any of
8 the factors set forth in subsection (b) may be presented by
9 either the State or the defendant under the rules governing
10 the admission of evidence at criminal trials. Any
11 information relevant to any additional aggravating factors or
12 any mitigating factors indicated in subsection (c) may be
13 presented by the State or defendant regardless of its
14 admissibility under the rules governing the admission of
15 evidence at criminal trials. The State and the defendant
16 shall be given fair opportunity to rebut any information
17 received at the hearing.

18 (f) Proof.

19 The burden of proof of establishing the existence of any
20 of the factors set forth in subsection (b) is on the State
21 and shall not be satisfied unless established beyond a
22 reasonable doubt.

23 (g) Procedure - Jury.

24 If at the separate sentencing proceeding the jury finds
25 that none of the factors set forth in subsection (b) exists,
26 the court shall sentence the defendant to a term of
27 imprisonment under Chapter V of the Unified Code of
28 Corrections. If there is a unanimous finding by the jury
29 that one or more of the factors set forth in subsection (b)
30 exist, the jury shall consider aggravating and mitigating
31 factors as instructed by the court and shall determine
32 whether the sentence of death shall be imposed. If the jury
33 determines unanimously that there are no mitigating factors
34 sufficient to preclude the imposition of the death sentence,

1 the court shall sentence the defendant to death.

2 Unless the jury unanimously finds that there are no
3 mitigating factors sufficient to preclude the imposition of
4 the death sentence the court shall sentence the defendant to
5 a term of imprisonment under Chapter V of the Unified Code of
6 Corrections.

7 (h) Procedure - No Jury.

8 In a proceeding before the court alone, if the court
9 finds that none of the factors found in subsection (b)
10 exists, the court shall sentence the defendant to a term of
11 imprisonment under Chapter V of the Unified Code of
12 Corrections.

13 If the Court determines that one or more of the factors
14 set forth in subsection (b) exists, the Court shall consider
15 any aggravating and mitigating factors as indicated in
16 subsection (c). If the Court determines that there are no
17 mitigating factors sufficient to preclude the imposition of
18 the death sentence, the Court shall sentence the defendant to
19 death.

20 Unless the court finds that there are no mitigating
21 factors sufficient to preclude the imposition of the sentence
22 of death, the court shall sentence the defendant to a term of
23 imprisonment under Chapter V of the Unified Code of
24 Corrections.

25 (i) Appellate Procedure.

26 The conviction and sentence of death shall be subject to
27 automatic review by the Supreme Court. Such review shall be
28 in accordance with rules promulgated by the Supreme Court.

29 (j) Disposition of reversed death sentence.

30 In the event that the death penalty in this Act is held
31 to be unconstitutional by the Supreme Court of the United
32 States or of the State of Illinois, any person convicted of
33 first degree murder shall be sentenced by the court to a term
34 of imprisonment under Chapter V of the Unified Code of

1 Corrections.

2 In the event that any death sentence pursuant to the
3 sentencing provisions of this Section is declared
4 unconstitutional by the Supreme Court of the United States or
5 of the State of Illinois, the court having jurisdiction over
6 a person previously sentenced to death shall cause the
7 defendant to be brought before the court, and the court shall
8 sentence the defendant to a term of imprisonment under
9 Chapter V of the Unified Code of Corrections.

10 (Source: P.A. 90-213, eff. 1-1-98; 90-651, eff. 1-1-99;
11 90-668, eff. 1-1-99; 91-357, eff. 7-29-99; 91-434, eff.
12 1-1-00.)

13 (720 ILCS 5/12-4) (from Ch. 38, par. 12-4)

14 Sec. 12-4. Aggravated Battery.

15 (a) A person who, in committing a battery, intentionally
16 or knowingly causes great bodily harm, or permanent
17 disability or disfigurement commits aggravated battery.

18 (b) In committing a battery, a person commits aggravated
19 battery if he or she:

20 (1) Uses a deadly weapon other than by the
21 discharge of a firearm;

22 (2) Is hooded, robed or masked, in such manner as
23 to conceal his identity;

24 (3) Knows the individual harmed to be a teacher or
25 other person employed in any school and such teacher or
26 other employee is upon the grounds of a school or grounds
27 adjacent thereto, or is in any part of a building used
28 for school purposes;

29 (4) Knows the individual harmed to be a supervisor,
30 director, instructor or other person employed in any park
31 district and such supervisor, director, instructor or
32 other employee is upon the grounds of the park or grounds
33 adjacent thereto, or is in any part of a building used

1 for park purposes;

2 (5) Knows the individual harmed to be a caseworker,
3 investigator, or other person employed by the State
4 Department of Public Aid, a County Department of Public
5 Aid, or the Department of Human Services (acting as
6 successor to the Illinois Department of Public Aid under
7 the Department of Human Services Act) and such
8 caseworker, investigator, or other person is upon the
9 grounds of a public aid office or grounds adjacent
10 thereto, or is in any part of a building used for public
11 aid purposes, or upon the grounds of a home of a public
12 aid applicant, recipient, or any other person being
13 interviewed or investigated in the employee's discharge
14 of his duties, or on grounds adjacent thereto, or is in
15 any part of a building in which the applicant, recipient,
16 or other such person resides or is located;

17 (6) Knows the individual harmed to be a peace
18 officer, a community policing volunteer, a correctional
19 institution employee, or a fireman while such officer,
20 volunteer, employee or fireman is engaged in the
21 execution of any official duties including arrest or
22 attempted arrest, or to prevent the officer, volunteer,
23 employee or fireman from performing official duties, or
24 in retaliation for the officer, volunteer, employee or
25 fireman performing official duties, and the battery is
26 committed other than by the discharge of a firearm;

27 (7) Knows the individual harmed to be an emergency
28 medical technician - ambulance, emergency medical
29 technician - intermediate, emergency medical technician -
30 paramedic, ambulance driver, other medical assistance,
31 first aid personnel, or hospital emergency room personnel
32 engaged in the performance of any of his or her official
33 duties, or to prevent the emergency medical technician -
34 ambulance, emergency medical technician - intermediate,

1 emergency medical technician - paramedic, ambulance
2 driver, other medical assistance, first aid personnel, or
3 hospital emergency room personnel from performing
4 official duties, or in retaliation for performing
5 official duties;

6 (8) Is, or the person battered is, on or about a
7 public way, public property or public place of
8 accommodation or amusement;

9 (9) Knows the individual harmed to be the driver,
10 operator, employee or passenger of any transportation
11 facility or system engaged in the business of
12 transportation of the public for hire and the individual
13 assaulted is then performing in such capacity or then
14 using such public transportation as a passenger or using
15 any area of any description designated by the
16 transportation facility or system as a vehicle boarding,
17 departure, or transfer location;

18 (10) Knowingly and without legal justification and
19 by any means causes bodily harm to an individual of 60
20 years of age or older;

21 (11) Knows the individual harmed is pregnant;

22 (12) Knows the individual harmed to be a judge whom
23 the person intended to harm as a result of the judge's
24 performance of his or her official duties as a judge;

25 (13) Knows the individual harmed to be an employee
26 of the Illinois Department of Children and Family
27 Services engaged in the performance of his authorized
28 duties as such employee;

29 (13.5) Commits the battery in furtherance of the
30 activities of an organized gang or by his or her
31 membership in or allegiance to an organized gang, and the
32 battered person is not a member of an organized gang.
33 For the purposes of this subsection, "organized gang" has
34 the meaning ascribed to it in Section 10 of the

1 Streetgang Terrorism Omnibus Prevention Act;

2 (14) Knows the individual harmed to be a person who
3 is physically handicapped; or

4 (15) Knowingly and without legal justification and
5 by any means causes bodily harm to a merchant who detains
6 the person for an alleged commission of retail theft
7 under Section 16A-5 of this Code. In this item (15),
8 "merchant" has the meaning ascribed to it in Section
9 16A-2.4 of this Code.

10 For the purpose of paragraph (14) of subsection (b) of
11 this Section, a physically handicapped person is a person who
12 suffers from a permanent and disabling physical
13 characteristic, resulting from disease, injury, functional
14 disorder or congenital condition.

15 (c) A person who administers to an individual or causes
16 him to take, without his consent or by threat or deception,
17 and for other than medical purposes, any intoxicating,
18 poisonous, stupefying, narcotic, anesthetic, or controlled
19 substance commits aggravated battery.

20 (d) A person who knowingly gives to another person any
21 food that contains any substance or object that is intended
22 to cause physical injury if eaten, commits aggravated
23 battery.

24 ~~(d-3)~~ ~~(d-5)~~ A person commits aggravated battery when he
25 or she knowingly and without lawful justification shines or
26 flashes a laser gunsight or other laser device that is
27 attached or affixed to a firearm, or used in concert with a
28 firearm, so that the laser beam strikes upon or against the
29 person of another.

30 (d-5) An inmate of a penal institution who causes or
31 attempts to cause a correctional employee of the penal
32 institution to come into contact with blood, seminal fluid,
33 urine, or feces, by throwing, tossing, or expelling that
34 fluid or material commits aggravated battery. For purposes

1 of this subsection (d-5), "correctional employee" means a
2 person who is employed by a penal institution.

3 (e) Sentence.

4 Aggravated battery is a Class 3 felony.

5 (Source: P.A. 90-115, eff. 1-1-98; 90-651, eff. 1-1-99;
6 90-735, eff. 8-11-98; 91-357, eff. 7-29-99; 91-488, eff.
7 1-1-00; 91-619, eff. 1-1-00; 91-672, eff. 1-1-00; revised
8 1-7-00.)

9 (720 ILCS 5/12-4.2) (from Ch. 38, par. 12-4.2)

10 Sec. 12-4.2. Aggravated Battery with a firearm.

11 (a) A person commits aggravated battery with a firearm
12 when he, in committing a battery, knowingly or intentionally
13 by means of the discharging of a firearm (1) causes any
14 injury to another person, or (2) causes any injury to a
15 person he knows to be a peace officer, a community policing
16 volunteer, a correctional institution employee or a fireman
17 while the officer, volunteer, employee or fireman is engaged
18 in the execution of any of his official duties, or to prevent
19 the officer, volunteer, employee or fireman from performing
20 his official duties, or in retaliation for the officer,
21 volunteer, employee or fireman performing his official
22 duties, or (3) causes any injury to a person he knows to be
23 an emergency medical technician - ambulance, emergency
24 medical technician - intermediate, emergency medical
25 technician - paramedic, ambulance driver, or other medical
26 assistance or first aid personnel, employed by a municipality
27 or other governmental unit, while the emergency medical
28 technician - ambulance, emergency medical technician -
29 intermediate, emergency medical technician - paramedic,
30 ambulance driver, or other medical assistance or first aid
31 personnel is engaged in the execution of any of his official
32 duties, or to prevent the emergency medical technician -
33 ambulance, emergency medical technician - intermediate,

1 emergency medical technician - paramedic, ambulance driver,
2 or other medical assistance or first aid personnel from
3 performing his official duties, or in retaliation for the
4 emergency medical technician - ambulance, emergency medical
5 technician - intermediate, emergency medical technician -
6 paramedic, ambulance driver, or other medical assistance or
7 first aid personnel performing his official duties, or (4)
8 causes any injury to a person he or she knows to be a teacher
9 or other person employed in a school and the teacher or other
10 employee is upon grounds of a school or grounds adjacent to a
11 school, or is in any part of a building used for school
12 purposes, or (5) commits the battery in furtherance of the
13 activities of an organized gang or by his or her membership
14 in or allegiance to an organized gang, and the battered
15 person is not a member of an organized gang. For the
16 purposes of this subsection, "organized gang" has the meaning
17 ascribed to it in Section 10 of the Streetgang Terrorism
18 Omnibus Prevention Act.

19 (b) A violation of subsection (a)(1) of this Section is
20 a Class X felony. A violation of subsection (a)(2),
21 subsection (a)(3), or subsection (a)(4) of this Section is a
22 Class X felony for which the sentence shall be a term of
23 imprisonment of no less than 15 years and no more than 60
24 years. A violation of subsection (a)(5) is a Class X felony
25 for which the sentence shall be a term of imprisonment of no
26 less than 20 years and no more than 60 years.

27 (c) For purposes of this Section, "firearm" is defined
28 as in "An Act relating to the acquisition, possession and
29 transfer of firearms and firearm ammunition, to provide a
30 penalty for the violation thereof and to make an
31 appropriation in connection therewith", approved August 1,
32 1967, as amended.

33 (Source: P.A. 90-651, eff. 1-1-99; 91-434, eff. 1-1-00;
34 91-696, eff. 4-13-00.)

1 (720 ILCS 5/24-1.2) (from Ch. 38, par. 24-1.2)

2 Sec. 24-1.2. Aggravated discharge of a firearm.

3 (a) A person commits aggravated discharge of a firearm
4 when he or she knowingly or intentionally:

5 (1) Discharges a firearm at or into a building he
6 or she knows or reasonably should know to be occupied and
7 the firearm is discharged from a place or position
8 outside that building;

9 (2) Discharges a firearm in the direction of
10 another person or in the direction of a vehicle he or she
11 knows or reasonably should know to be occupied by a
12 person;

13 (3) Discharges a firearm in the direction of a
14 person he or she knows to be a peace officer, a community
15 policing volunteer, a correctional institution employee,
16 or a fireman while the officer, volunteer, employee or
17 fireman is engaged in the execution of any of his or her
18 official duties, or to prevent the officer, volunteer,
19 employee or fireman from performing his or her official
20 duties, or in retaliation for the officer, volunteer,
21 employee or fireman performing his or her official
22 duties;

23 (4) Discharges a firearm in the direction of a
24 vehicle he or she knows to be occupied by a peace
25 officer, a person summoned or directed by a peace
26 officer, a correctional institution employee or a fireman
27 while the officer, employee or fireman is engaged in the
28 execution of any of his or her official duties, or to
29 prevent the officer, employee or fireman from performing
30 his or her official duties, or in retaliation for the
31 officer, employee or fireman performing his or her
32 official duties;

33 (5) Discharges a firearm in the direction of a
34 person he or she knows to be an emergency medical

1 technician - ambulance, emergency medical technician -
2 intermediate, emergency medical technician - paramedic,
3 ambulance driver, or other medical assistance or first
4 aid personnel, employed by a municipality or other
5 governmental unit, while the emergency medical technician
6 - ambulance, emergency medical technician - intermediate,
7 emergency medical technician - paramedic, ambulance
8 driver, or other medical assistance or first aid
9 personnel is engaged in the execution of any of his or
10 her official duties, or to prevent the emergency medical
11 technician - ambulance, emergency medical technician -
12 intermediate, emergency medical technician - paramedic,
13 ambulance driver, or other medical assistance or first
14 aid personnel from performing his or her official duties,
15 or in retaliation for the emergency medical technician -
16 ambulance, emergency medical technician - intermediate,
17 emergency medical technician - paramedic, ambulance
18 driver, or other medical assistance or first aid
19 personnel performing his or her official duties;

20 (6) Discharges a firearm in the direction of a
21 vehicle he or she knows to be occupied by an emergency
22 medical technician - ambulance, emergency medical
23 technician - intermediate, emergency medical technician -
24 paramedic, ambulance driver, or other medical assistance
25 or first aid personnel, employed by a municipality or
26 other governmental unit, while the emergency medical
27 technician - ambulance, emergency medical technician -
28 intermediate, emergency medical technician - paramedic,
29 ambulance driver, or other medical assistance or first
30 aid personnel is engaged in the execution of any of his
31 or her official duties, or to prevent the emergency
32 medical technician - ambulance, emergency medical
33 technician - intermediate, emergency medical technician -
34 paramedic, ambulance driver, or other medical assistance

1 or first aid personnel from performing his or her
2 official duties, or in retaliation for the emergency
3 medical technician - ambulance, emergency medical
4 technician - intermediate, emergency medical technician -
5 paramedic, ambulance driver, or other medical assistance
6 or first aid personnel performing his or her official
7 duties; or

8 (7) Discharges a firearm in the direction of a
9 person he or she knows to be a teacher or other person
10 employed in any school and the teacher or other employee
11 is upon the grounds of a school or grounds adjacent to a
12 school, or is in any part of a building used for school
13 purposes.

14 (a-5) A person commits aggravated discharge of a firearm
15 when, in furtherance of the activities of an organized gang
16 or by his or her membership in or allegiance to an organized
17 gang, he or she knowingly or intentionally discharges a
18 firearm in the direction of a person who is not a member of
19 an organized gang. For the purposes of this subsection,
20 "organized gang" has the meaning ascribed to it in Section 10
21 of the Streetgang Terrorism Omnibus Prevention Act.

22 (b) A violation of subsection (a)(1) or subsection
23 (a)(2) of this Section is a Class 1 felony. A violation of
24 subsection (a)(1) or (a)(2) of this Section committed in a
25 school, on the real property comprising a school, within
26 1,000 feet of the real property comprising a school, at a
27 school related activity or on or within 1,000 feet of any
28 conveyance owned, leased, or contracted by a school to
29 transport students to or from school or a school related
30 activity, regardless of the time of day or time of year that
31 the offense was committed is a Class X felony. A violation of
32 subsection (a)(3), (a)(4), (a)(5), (a)(6), or (a)(7) of this
33 Section is a Class X felony for which the sentence shall be a
34 term of imprisonment of no less than 10 years and not more

1 than 45 years. A violation of subsection (a-5) is a Class X
2 felony for which the sentence shall be a term of imprisonment
3 of no less than 20 years and not more than 60 years.

4 (c) For purposes of this Section:

5 "School" means a public or private elementary or
6 secondary school, community college, college, or university.

7 "School related activity" means any sporting, social,
8 academic, or other activity for which students' attendance or
9 participation is sponsored, organized, or funded in whole or
10 in part by a school or school district.

11 (Source: P.A. 90-651, eff. 1-1-99; 91-12, eff. 1-1-00;
12 91-357, eff. 7-29-99; 91-434, eff. 1-1-00; 91-696, eff.
13 4-13-00.)

14 Section 10. The Unified Code of Corrections is amended
15 by changing Sections 3-6-3 and 5-4-1 as follows:

16 (730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)
17 Sec. 3-6-3. Rules and Regulations for Early Release.

18 (a) (1) The Department of Corrections shall
19 prescribe rules and regulations for the early release on
20 account of good conduct of persons committed to the
21 Department which shall be subject to review by the
22 Prisoner Review Board.

23 (2) The rules and regulations on early release
24 shall provide, with respect to offenses committed on or
25 after June 19, 1998, the following:

26 (i) that a prisoner who is serving a term of
27 imprisonment for first degree murder shall receive
28 no good conduct credit and shall serve the entire
29 sentence imposed by the court;

30 (ii) that a prisoner serving a sentence for
31 attempt to commit first degree murder, solicitation
32 of murder, solicitation of murder for hire,

1 intentional homicide of an unborn child, predatory
2 criminal sexual assault of a child, aggravated
3 criminal sexual assault, criminal sexual assault,
4 aggravated kidnapping, aggravated battery with a
5 firearm, heinous battery, aggravated battery of a
6 senior citizen, or aggravated battery of a child
7 shall receive no more than 4.5 days of good conduct
8 credit for each month of his or her sentence of
9 imprisonment; and

10 (iii) that a prisoner serving a sentence for
11 home invasion, armed robbery, aggravated vehicular
12 hijacking, aggravated discharge of a firearm, or
13 armed violence with a category I weapon or category
14 II weapon, when the court has made and entered a
15 finding, pursuant to subsection (c-1) of Section
16 5-4-1 of this Code, that the conduct leading to
17 conviction for the enumerated offense resulted in
18 great bodily harm to a victim, shall receive no more
19 than 4.5 days of good conduct credit for each month
20 of his or her sentence of imprisonment.

21 (2.1) For all offenses, other than those enumerated
22 in subdivision (a)(2) committed on or after June 19,
23 1998, and other than the offense of reckless homicide as
24 defined in subsection (e) of Section 9-3 of the Criminal
25 Code of 1961 committed on or after January 1, 1999, the
26 rules and regulations shall provide that a prisoner who
27 is serving a term of imprisonment shall receive one day
28 of good conduct credit for each day of his or her
29 sentence of imprisonment or recommitment under Section
30 3-3-9. Each day of good conduct credit shall reduce by
31 one day the prisoner's period of imprisonment or
32 recommitment under Section 3-3-9.

33 (2.2) A prisoner serving a term of natural life
34 imprisonment or a prisoner who has been sentenced to

1 death shall receive no good conduct credit.

2 (2.3) The rules and regulations on early release
3 shall provide that a prisoner who is serving a sentence
4 for reckless homicide as defined in subsection (e) of
5 Section 9-3 of the Criminal Code of 1961 committed on or
6 after January 1, 1999 shall receive no more than 4.5 days
7 of good conduct credit for each month of his or her
8 sentence of imprisonment.

9 (2.4) The rules and regulations on early release
10 shall provide with respect to the offenses of aggravated
11 battery with a machine gun or a firearm equipped with any
12 device or attachment designed or used for silencing the
13 report of a firearm or aggravated discharge of a machine
14 gun or a firearm equipped with any device or attachment
15 designed or used for silencing the report of a firearm,
16 committed on or after the effective date of this
17 amendatory Act of 1999, that a prisoner serving a
18 sentence for any of these offenses shall receive no more
19 than 4.5 days of good conduct credit for each month of
20 his or her sentence of imprisonment.

21 (2.5) The rules and regulations on early release
22 shall provide that a person who is serving a sentence for
23 a violation of subsection (a)(5) of Section 12-4.2 of the
24 Criminal Code of 1961 or for a violation of subsection
25 (a-5) of Section 24-1.2 of the Criminal Code of 1961
26 committed on or after the effective date of this
27 amendatory Act of the 92nd General Assembly shall receive
28 no good conduct credit and shall serve the entire
29 sentence imposed by the court.

30 (3) The rules and regulations shall also provide
31 that the Director may award up to 180 days additional
32 good conduct credit for meritorious service in specific
33 instances as the Director deems proper; except that no
34 more than 90 days of good conduct credit for meritorious

1 service shall be awarded to any prisoner who is serving a
2 sentence for conviction of first degree murder, reckless
3 homicide while under the influence of alcohol or any
4 other drug, aggravated kidnapping, kidnapping, predatory
5 criminal sexual assault of a child, aggravated criminal
6 sexual assault, criminal sexual assault, deviate sexual
7 assault, aggravated criminal sexual abuse, aggravated
8 indecent liberties with a child, indecent liberties with
9 a child, child pornography, heinous battery, aggravated
10 battery of a spouse, aggravated battery of a spouse with
11 a firearm, stalking, aggravated stalking, aggravated
12 battery of a child, endangering the life or health of a
13 child, cruelty to a child, or narcotic racketeering.
14 Notwithstanding the foregoing, good conduct credit for
15 meritorious service shall not be awarded on a sentence of
16 imprisonment imposed for conviction of: (i) one of the
17 offenses enumerated in subdivision (a)(2) when the
18 offense is committed on or after June 19, 1998, (ii)
19 reckless homicide as defined in subsection (e) of Section
20 9-3 of the Criminal Code of 1961 when the offense is
21 committed on or after January 1, 1999, or (iii) for
22 conviction of one of the offenses enumerated in
23 subdivision (a)(2.4) when the offense is committed on or
24 after the effective date of this amendatory Act of 1999.

25 (4) The rules and regulations shall also provide
26 that the good conduct credit accumulated and retained
27 under paragraph (2.1) of subsection (a) of this Section
28 by any inmate during specific periods of time in which
29 such inmate is engaged full-time in substance abuse
30 programs, correctional industry assignments, or
31 educational programs provided by the Department under
32 this paragraph (4) and satisfactorily completes the
33 assigned program as determined by the standards of the
34 Department, shall be multiplied by a factor of 1.25 for

1 program participation before August 11, 1993 and 1.50 for
2 program participation on or after that date. However, no
3 inmate shall be eligible for the additional good conduct
4 credit under this paragraph (4) while assigned to a boot
5 camp, mental health unit, or electronic detention, or if
6 convicted of an offense enumerated in paragraph (a)(2) of
7 this Section that is committed on or after June 19, 1998,
8 or if convicted of reckless homicide as defined in
9 subsection (e) of Section 9-3 of the Criminal Code of
10 1961 if the offense is committed on or after January 1,
11 1999, or if convicted of an offense enumerated in
12 paragraph (a)(2.4) of this Section that is committed on
13 or after the effective date of this amendatory Act of
14 1999, or first degree murder, a Class X felony, criminal
15 sexual assault, felony criminal sexual abuse, aggravated
16 criminal sexual abuse, aggravated battery with a firearm,
17 or any predecessor or successor offenses with the same or
18 substantially the same elements, or any inchoate offenses
19 relating to the foregoing offenses. No inmate shall be
20 eligible for the additional good conduct credit under
21 this paragraph (4) who (i) has previously received
22 increased good conduct credit under this paragraph (4)
23 and has subsequently been convicted of a felony, or (ii)
24 has previously served more than one prior sentence of
25 imprisonment for a felony in an adult correctional
26 facility.

27 Educational, vocational, substance abuse and
28 correctional industry programs under which good conduct
29 credit may be increased under this paragraph (4) shall be
30 evaluated by the Department on the basis of documented
31 standards. The Department shall report the results of
32 these evaluations to the Governor and the General
33 Assembly by September 30th of each year. The reports
34 shall include data relating to the recidivism rate among

1 program participants.

2 Availability of these programs shall be subject to
3 the limits of fiscal resources appropriated by the
4 General Assembly for these purposes. Eligible inmates
5 who are denied immediate admission shall be placed on a
6 waiting list under criteria established by the
7 Department. The inability of any inmate to become
8 engaged in any such programs by reason of insufficient
9 program resources or for any other reason established
10 under the rules and regulations of the Department shall
11 not be deemed a cause of action under which the
12 Department or any employee or agent of the Department
13 shall be liable for damages to the inmate.

14 (5) Whenever the Department is to release any
15 inmate earlier than it otherwise would because of a grant
16 of good conduct credit for meritorious service given at
17 any time during the term, the Department shall give
18 reasonable advance notice of the impending release to the
19 State's Attorney of the county where the prosecution of
20 the inmate took place.

21 (b) Whenever a person is or has been committed under
22 several convictions, with separate sentences, the sentences
23 shall be construed under Section 5-8-4 in granting and
24 forfeiting of good time.

25 (c) The Department shall prescribe rules and regulations
26 for revoking good conduct credit, or suspending or reducing
27 the rate of accumulation of good conduct credit for specific
28 rule violations, during imprisonment. These rules and
29 regulations shall provide that no inmate may be penalized
30 more than one year of good conduct credit for any one
31 infraction.

32 When the Department seeks to revoke, suspend or reduce
33 the rate of accumulation of any good conduct credits for an
34 alleged infraction of its rules, it shall bring charges

1 therefor against the prisoner sought to be so deprived of
2 good conduct credits before the Prisoner Review Board as
3 provided in subparagraph (a)(4) of Section 3-3-2 of this
4 Code, if the amount of credit at issue exceeds 30 days or
5 when during any 12 month period, the cumulative amount of
6 credit revoked exceeds 30 days except where the infraction is
7 committed or discovered within 60 days of scheduled release.
8 In those cases, the Department of Corrections may revoke up
9 to 30 days of good conduct credit. The Board may subsequently
10 approve the revocation of additional good conduct credit, if
11 the Department seeks to revoke good conduct credit in excess
12 of 30 days. However, the Board shall not be empowered to
13 review the Department's decision with respect to the loss of
14 30 days of good conduct credit within any calendar year for
15 any prisoner or to increase any penalty beyond the length
16 requested by the Department.

17 The Director of the Department of Corrections, in
18 appropriate cases, may restore up to 30 days good conduct
19 credits which have been revoked, suspended or reduced. Any
20 restoration of good conduct credits in excess of 30 days
21 shall be subject to review by the Prisoner Review Board.
22 However, the Board may not restore good conduct credit in
23 excess of the amount requested by the Director.

24 Nothing contained in this Section shall prohibit the
25 Prisoner Review Board from ordering, pursuant to Section
26 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of
27 the sentence imposed by the court that was not served due to
28 the accumulation of good conduct credit.

29 (d) If a lawsuit is filed by a prisoner in an Illinois
30 or federal court against the State, the Department of
31 Corrections, or the Prisoner Review Board, or against any of
32 their officers or employees, and the court makes a specific
33 finding that a pleading, motion, or other paper filed by the
34 prisoner is frivolous, the Department of Corrections shall

1 conduct a hearing to revoke up to 180 days of good conduct
2 credit by bringing charges against the prisoner sought to be
3 deprived of the good conduct credits before the Prisoner
4 Review Board as provided in subparagraph (a)(8) of Section
5 3-3-2 of this Code. If the prisoner has not accumulated 180
6 days of good conduct credit at the time of the finding, then
7 the Prisoner Review Board may revoke all good conduct credit
8 accumulated by the prisoner.

9 For purposes of this subsection (d):

10 (1) "Frivolous" means that a pleading, motion, or
11 other filing which purports to be a legal document filed
12 by a prisoner in his or her lawsuit meets any or all of
13 the following criteria:

14 (A) it lacks an arguable basis either in law
15 or in fact;

16 (B) it is being presented for any improper
17 purpose, such as to harass or to cause unnecessary
18 delay or needless increase in the cost of
19 litigation;

20 (C) the claims, defenses, and other legal
21 contentions therein are not warranted by existing
22 law or by a nonfrivolous argument for the extension,
23 modification, or reversal of existing law or the
24 establishment of new law;

25 (D) the allegations and other factual
26 contentions do not have evidentiary support or, if
27 specifically so identified, are not likely to have
28 evidentiary support after a reasonable opportunity
29 for further investigation or discovery; or

30 (E) the denials of factual contentions are not
31 warranted on the evidence, or if specifically so
32 identified, are not reasonably based on a lack of
33 information or belief.

34 (2) "Lawsuit" means a petition for post-conviction

1 relief under Article 122 of the Code of Criminal
2 Procedure of 1963, a motion pursuant to Section 116-3 of
3 the Code of Criminal Procedure of 1963, a habeas corpus
4 action under Article X of the Code of Civil Procedure or
5 under federal law (28 U.S.C. 2254), a petition for claim
6 under the Court of Claims Act or an action under the
7 federal Civil Rights Act (42 U.S.C. 1983).

8 (e) Nothing in this amendatory Act of 1998 affects the
9 validity of Public Act 89-404.

10 (Source: P.A. 90-141, eff. 1-1-98; 90-505, eff. 8-19-97;
11 90-592, eff. 6-19-98; 90-593, eff. 6-19-98; 90-655, eff.
12 7-30-98; 90-740, eff. 1-1-99; 91-121, eff. 7-15-99; 91-357,
13 eff. 7-29-99.)

14 (730 ILCS 5/5-4-1) (from Ch. 38, par. 1005-4-1)
15 Sec. 5-4-1. Sentencing Hearing.

16 (a) Except when the death penalty is sought under
17 hearing procedures otherwise specified, after a determination
18 of guilt, a hearing shall be held to impose the sentence.
19 However, prior to the imposition of sentence on an individual
20 being sentenced for an offense based upon a charge for a
21 violation of Section 11-501 of the Illinois Vehicle Code or a
22 similar provision of a local ordinance, the individual must
23 undergo a professional evaluation to determine if an alcohol
24 or other drug abuse problem exists and the extent of such a
25 problem. Programs conducting these evaluations shall be
26 licensed by the Department of Human Services. However, if
27 the individual is not a resident of Illinois, the court may,
28 in its discretion, accept an evaluation from a program in the
29 state of such individual's residence. The court may in its
30 sentencing order approve an eligible defendant for placement
31 in a Department of Corrections impact incarceration program
32 as provided in Section 5-8-1.1. At the hearing the court
33 shall:

1 (1) consider the evidence, if any, received upon
2 the trial;

3 (2) consider any presentence reports;

4 (3) consider the financial impact of incarceration
5 based on the financial impact statement filed with the
6 clerk of the court by the Department of Corrections;

7 (4) consider evidence and information offered by
8 the parties in aggravation and mitigation;

9 (5) hear arguments as to sentencing alternatives;

10 (6) afford the defendant the opportunity to make a
11 statement in his own behalf;

12 (7) afford the victim of a violent crime or a
13 violation of Section 11-501 of the Illinois Vehicle Code,
14 or a similar provision of a local ordinance, or a
15 qualified individual affected by a violation of Section
16 405, 405.1, 405.2, or 407 of the Illinois Controlled
17 Substances Act, committed by the defendant the
18 opportunity to make a statement concerning the impact on
19 the victim and to offer evidence in aggravation or
20 mitigation; provided that the statement and evidence
21 offered in aggravation or mitigation must first be
22 prepared in writing in conjunction with the State's
23 Attorney before it may be presented orally at the
24 hearing. Any sworn testimony offered by the victim is
25 subject to the defendant's right to cross-examine. All
26 statements and evidence offered under this paragraph (7)
27 shall become part of the record of the court. For the
28 purpose of this paragraph (7), "qualified individual"
29 means any person who (i) lived or worked within the
30 territorial jurisdiction where the offense took place
31 when the offense took place; and (ii) is familiar with
32 various public places within the territorial jurisdiction
33 where the offense took place when the offense took place.
34 For the purposes of this paragraph (7), "qualified

1 individual" includes any peace officer, or any member of
2 any duly organized State, county, or municipal peace unit
3 assigned to the territorial jurisdiction where the
4 offense took place when the offense took place; and

5 (8) in cases of reckless homicide afford the
6 victim's spouse, guardians, parents or other immediate
7 family members an opportunity to make oral statements.

8 (b) All sentences shall be imposed by the judge based
9 upon his independent assessment of the elements specified
10 above and any agreement as to sentence reached by the
11 parties. The judge who presided at the trial or the judge
12 who accepted the plea of guilty shall impose the sentence
13 unless he is no longer sitting as a judge in that court.
14 Where the judge does not impose sentence at the same time on
15 all defendants who are convicted as a result of being
16 involved in the same offense, the defendant or the State's
17 Attorney may advise the sentencing court of the disposition
18 of any other defendants who have been sentenced.

19 (c) In imposing a sentence for a violent crime or for an
20 offense of operating or being in physical control of a
21 vehicle while under the influence of alcohol, any other drug
22 or any combination thereof, or a similar provision of a local
23 ordinance, when such offense resulted in the personal injury
24 to someone other than the defendant, the trial judge shall
25 specify on the record the particular evidence, information,
26 factors in mitigation and aggravation or other reasons that
27 led to his sentencing determination. The full verbatim record
28 of the sentencing hearing shall be filed with the clerk of
29 the court and shall be a public record.

30 (c-1) In imposing a sentence for the offense of
31 aggravated kidnapping for ransom, home invasion, armed
32 robbery, aggravated vehicular hijacking, aggravated discharge
33 of a firearm, or armed violence with a category I weapon or
34 category II weapon, the trial judge shall make a finding as

1 to whether the conduct leading to conviction for the offense
2 resulted in great bodily harm to a victim, and shall enter
3 that finding and the basis for that finding in the record.

4 (c-2) If the defendant is sentenced to prison, other
5 than when a sentence of natural life imprisonment or a
6 sentence of death is imposed, at the time the sentence is
7 imposed the judge shall state on the record in open court the
8 approximate period of time the defendant will serve in
9 custody according to the then current statutory rules and
10 regulations for early release found in Section 3-6-3 and
11 other related provisions of this Code. This statement is
12 intended solely to inform the public, has no legal effect on
13 the defendant's actual release, and may not be relied on by
14 the defendant on appeal.

15 The judge's statement, to be given after pronouncing the
16 sentence, other than when the sentence is imposed for one of
17 the offenses enumerated in paragraph (a)(3) of Section 3-6-3,
18 shall include the following:

19 "The purpose of this statement is to inform the public of
20 the actual period of time this defendant is likely to spend
21 in prison as a result of this sentence. The actual period of
22 prison time served is determined by the statutes of Illinois
23 as applied to this sentence by the Illinois Department of
24 Corrections and the Illinois Prisoner Review Board. In this
25 case, assuming the defendant receives all of his or her good
26 conduct credit, the period of estimated actual custody is ...
27 years and ... months, less up to 180 days additional good
28 conduct credit for meritorious service. If the defendant,
29 because of his or her own misconduct or failure to comply
30 with the institutional regulations, does not receive those
31 credits, the actual time served in prison will be longer.
32 The defendant may also receive an additional one-half day
33 good conduct credit for each day of participation in
34 vocational, industry, substance abuse, and educational

1 programs as provided for by Illinois statute."

2 When the sentence is imposed for one of the offenses
3 enumerated in paragraph (a)(3) of Section 3-6-3, other than
4 when the sentence is imposed for one of the offenses
5 enumerated in paragraph (a)(2) of Section 3-6-3 committed on
6 or after June 19, 1998, and other than when the sentence is
7 imposed for reckless homicide as defined in subsection (e) of
8 Section 9-3 of the Criminal Code of 1961 if the offense was
9 committed on or after January 1, 1999, the judge's statement,
10 to be given after pronouncing the sentence, shall include the
11 following:

12 "The purpose of this statement is to inform the public of
13 the actual period of time this defendant is likely to spend
14 in prison as a result of this sentence. The actual period of
15 prison time served is determined by the statutes of Illinois
16 as applied to this sentence by the Illinois Department of
17 Corrections and the Illinois Prisoner Review Board. In this
18 case, assuming the defendant receives all of his or her good
19 conduct credit, the period of estimated actual custody is ...
20 years and ... months, less up to 90 days additional good
21 conduct credit for meritorious service. If the defendant,
22 because of his or her own misconduct or failure to comply
23 with the institutional regulations, does not receive those
24 credits, the actual time served in prison will be longer.
25 The defendant may also receive an additional one-half day
26 good conduct credit for each day of participation in
27 vocational, industry, substance abuse, and educational
28 programs as provided for by Illinois statute."

29 When the sentence is imposed for one of the offenses
30 enumerated in paragraph (a)(2) of Section 3-6-3, other than
31 first degree murder, and the offense was committed on or
32 after June 19, 1998, and when the sentence is imposed for
33 reckless homicide as defined in subsection (e) of Section 9-3
34 of the Criminal Code of 1961 if the offense was committed on

1 or after January 1, 1999, the judge's statement, to be given
2 after pronouncing the sentence, shall include the following:

3 "The purpose of this statement is to inform the public of
4 the actual period of time this defendant is likely to spend
5 in prison as a result of this sentence. The actual period of
6 prison time served is determined by the statutes of Illinois
7 as applied to this sentence by the Illinois Department of
8 Corrections and the Illinois Prisoner Review Board. In this
9 case, the defendant is entitled to no more than 4 1/2 days of
10 good conduct credit for each month of his or her sentence of
11 imprisonment. Therefore, this defendant will serve at least
12 85% of his or her sentence. Assuming the defendant receives
13 4 1/2 days credit for each month of his or her sentence, the
14 period of estimated actual custody is ... years and ...
15 months. If the defendant, because of his or her own
16 misconduct or failure to comply with the institutional
17 regulations receives lesser credit, the actual time served in
18 prison will be longer."

19 When a sentence of imprisonment is imposed for first
20 degree murder and the offense was committed on or after June
21 19, 1998, or for a violation of subsection (a)(5) of Section
22 12-4.2 or subsection (a-5) of Section 24-1.2 of the Criminal
23 Code of 1961 committed on or after the effective date of this
24 amendatory Act of the 92nd General Assembly, the judge's
25 statement, to be given after pronouncing the sentence, shall
26 include the following:

27 "The purpose of this statement is to inform the public of
28 the actual period of time this defendant is likely to spend
29 in prison as a result of this sentence. The actual period of
30 prison time served is determined by the statutes of Illinois
31 as applied to this sentence by the Illinois Department of
32 Corrections and the Illinois Prisoner Review Board. In this
33 case, the defendant is not entitled to good conduct credit.
34 Therefore, this defendant will serve 100% of his or her

1 sentence."

2 (d) When the defendant is committed to the Department of
3 Corrections, the State's Attorney shall and counsel for the
4 defendant may file a statement with the clerk of the court to
5 be transmitted to the department, agency or institution to
6 which the defendant is committed to furnish such department,
7 agency or institution with the facts and circumstances of the
8 offense for which the person was committed together with all
9 other factual information accessible to them in regard to the
10 person prior to his commitment relative to his habits,
11 associates, disposition and reputation and any other facts
12 and circumstances which may aid such department, agency or
13 institution during its custody of such person. The clerk
14 shall within 10 days after receiving any such statements
15 transmit a copy to such department, agency or institution and
16 a copy to the other party, provided, however, that this shall
17 not be cause for delay in conveying the person to the
18 department, agency or institution to which he has been
19 committed.

20 (e) The clerk of the court shall transmit to the
21 department, agency or institution, if any, to which the
22 defendant is committed, the following:

- 23 (1) the sentence imposed;
- 24 (2) any statement by the court of the basis for
25 imposing the sentence;
- 26 (3) any presentence reports;
- 27 (4) the number of days, if any, which the defendant
28 has been in custody and for which he is entitled to
29 credit against the sentence, which information shall be
30 provided to the clerk by the sheriff;
- 31 (4.1) any finding of great bodily harm made by the
32 court with respect to an offense enumerated in subsection
33 (c-1);
- 34 (5) all statements filed under subsection (d) of

1 this Section;

2 (6) any medical or mental health records or
3 summaries of the defendant;

4 (7) the municipality where the arrest of the
5 offender or the commission of the offense has occurred,
6 where such municipality has a population of more than
7 25,000 persons;

8 (8) all statements made and evidence offered under
9 paragraph (7) of subsection (a) of this Section; and

10 (9) all additional matters which the court directs
11 the clerk to transmit.

12 (Source: P.A. 90-592, eff. 6-19-98; 90-593, eff. 6-19-98;
13 90-740, eff. 1-1-99; 91-357, eff. 7-29-99; 91-899, eff.
14 1-1-01.)

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.