

1 AN ACT in relation to criminal matters.

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

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

1 or

2 (ii) the defendant was convicted of a violation of
3 Section 12-13, 12-14, or 12-14.1 of the Criminal Code of
4 1961, or

5 (iii) the defendant was convicted of armed violence
6 based upon the predicate offense of solicitation of
7 murder, solicitation of murder for hire, heinous battery,
8 aggravated battery of a senior citizen, criminal sexual
9 assault, a violation of subsection (g) of Section 5 of
10 the Cannabis Control Act, cannabis trafficking, a
11 violation of subsection (a) of Section 401 of the
12 Illinois Controlled Substances Act, controlled substance
13 trafficking involving a Class X felony amount of
14 controlled substance under Section 401 of the Illinois
15 Controlled Substances Act, calculated criminal drug
16 conspiracy, or streetgang criminal drug conspiracy, or

17 (iv) the defendant was convicted of the offense of
18 leaving the scene of a motor vehicle accident involving
19 death or personal injuries under Section 11-401,
20 aggravated driving under the influence of alcohol, other
21 drug or drugs, or intoxicating compound or compounds, or
22 any combination thereof under Section 11-501 of the
23 Illinois Vehicle Code, or reckless homicide under Section
24 9-3 of the Criminal Code of 1961,

25 in which event the court shall enter sentences to run
26 consecutively. Sentences shall run concurrently unless
27 otherwise specified by the court.

28 (b) The court shall not impose a consecutive sentence
29 except as provided for in subsection (a) unless, having
30 regard to the nature and circumstances of the offense and the
31 history and character of the defendant, it is of the opinion
32 that such a term is required to protect the public from
33 further criminal conduct by the defendant, the basis for
34 which the court shall set forth in the record; except that no

1 such finding or opinion is required when multiple sentences
2 of imprisonment are imposed on a defendant for offenses that
3 were not committed as part of a single course of conduct
4 during which there was no substantial change in the nature of
5 the criminal objective, and one of the offenses for which the
6 defendant was convicted was first degree murder or a Class X
7 or Class 1 felony and the defendant inflicted severe bodily
8 injury, or when the defendant was convicted of a violation of
9 Section 12-13, 12-14, or 12-14.1 of the Criminal Code of
10 1961, or where the defendant was convicted of armed violence
11 based upon the predicate offense of solicitation of murder,
12 solicitation of murder for hire, heinous battery, aggravated
13 battery of a senior citizen, criminal sexual assault, a
14 violation of subsection (g) of Section 5 of the Cannabis
15 Control Act, cannabis trafficking, a violation of subsection
16 (a) of Section 401 of the Illinois Controlled Substances Act,
17 controlled substance trafficking involving a Class X felony
18 amount of controlled substance under Section 401 of the
19 Illinois Controlled Substances Act, calculated criminal drug
20 conspiracy, or streetgang criminal drug conspiracy, or the
21 defendant was convicted of the offense of leaving the scene
22 of a motor vehicle accident involving death or personal
23 injuries under Section 11-401, aggravated driving under the
24 influence of alcohol, other drug or drugs, or intoxicating
25 compound or compounds, or any combination thereof under
26 Section 11-501 of the Illinois Vehicle Code, or reckless
27 homicide under Section 9-3 of the Criminal Code of 1961, in
28 which event the Court shall enter sentences to run
29 consecutively.

30 (c) (1) For sentences imposed under law in effect prior
31 to February 1, 1978 the aggregate maximum of consecutive
32 sentences shall not exceed the maximum term authorized
33 under Section 5-8-1 for the 2 most serious felonies
34 involved. The aggregate minimum period of consecutive

1 sentences shall not exceed the highest minimum term
2 authorized under Section 5-8-1 for the 2 most serious
3 felonies involved. When sentenced only for misdemeanors,
4 a defendant shall not be consecutively sentenced to more
5 than the maximum for one Class A misdemeanor.

6 (2) For sentences imposed under the law in effect
7 on or after February 1, 1978, the aggregate of
8 consecutive sentences for offenses that were committed as
9 part of a single course of conduct during which there was
10 no substantial change in the nature of the criminal
11 objective shall not exceed the sum of the maximum terms
12 authorized under Section 5-8-2 for the 2 most serious
13 felonies involved, but no such limitation shall apply for
14 offenses that were not committed as part of a single
15 course of conduct during which there was no substantial
16 change in the nature of the criminal objective. When
17 sentenced only for misdemeanors, a defendant shall not be
18 consecutively sentenced to more than the maximum for one
19 Class A misdemeanor.

20 (d) An offender serving a sentence for a misdemeanor who
21 is convicted of a felony and sentenced to imprisonment shall
22 be transferred to the Department of Corrections, and the
23 misdemeanor sentence shall be merged in and run concurrently
24 with the felony sentence.

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

30 (1) the maximum period of a term of imprisonment
31 shall consist of the aggregate of the maximums of the
32 imposed indeterminate terms, if any, plus the aggregate
33 of the imposed determinate sentences for felonies plus
34 the aggregate of the imposed determinate sentences for

1 misdemeanors subject to paragraph (c) of this Section;

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

5 (3) the minimum period of imprisonment shall be the
6 aggregate of the minimum and determinate periods of
7 imprisonment imposed by the court, subject to paragraph
8 (c) of this Section; and

9 (4) the offender shall be awarded credit against
10 the aggregate maximum term and the aggregate minimum term
11 of imprisonment for all time served in an institution
12 since the commission of the offense or offenses and as a
13 consequence thereof at the rate specified in Section
14 3-6-3 of this Code.

15 (f) A sentence of an offender committed to the
16 Department of Corrections at the time of the commission of
17 the offense shall be served consecutive to the sentence under
18 which he is held by the Department of Corrections. However,
19 in case such offender shall be sentenced to punishment by
20 death, the sentence shall be executed at such time as the
21 court may fix without regard to the sentence under which such
22 offender may be held by the Department.

23 (g) A sentence under Section 3-6-4 for escape or
24 attempted escape shall be served consecutive to the terms
25 under which the offender is held by the Department of
26 Corrections.

27 (h) If a person charged with a felony commits a separate
28 felony while on pre-trial release or in pretrial detention in
29 a county jail facility or county detention facility, the
30 sentences imposed upon conviction of these felonies shall be
31 served consecutively regardless of the order in which the
32 judgments of conviction are entered.

33 (i) If a person admitted to bail following conviction of
34 a felony commits a separate felony while free on bond or if a

1 person detained in a county jail facility or county detention
2 facility following conviction of a felony commits a separate
3 felony while in detention, any sentence following conviction
4 of the separate felony shall be consecutive to that of the
5 original sentence for which the defendant was on bond or
6 detained.

7 (Source: P.A. 91-144, eff. 1-1-00; 91-404, eff. 1-1-00;
8 92-16, eff. 6-28-01.)