

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 and  
20 either: (A) aggravated driving under the influence of  
21 alcohol, other drug or drugs, or intoxicating compound or  
22 compounds, or any combination thereof under Section  
23 11-501 of the Illinois Vehicle Code, or (B) reckless  
24 homicide under Section 9-3 of the Criminal Code of 1961,  
25 or both an offense described in subdivision (A) and an  
26 offense described in subdivision (B),

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

30 (b) The court shall not impose a consecutive sentence  
31 except as provided for in subsection (a) unless, having  
32 regard to the nature and circumstances of the offense and the  
33 history and character of the defendant, it is of the opinion  
34 that such a term is required to protect the public from

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

33 (c) (1) For sentences imposed under law in effect prior  
34 to February 1, 1978 the aggregate maximum of consecutive

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

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

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

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

33 (1) the maximum period of a term of imprisonment  
 34 shall consist of the aggregate of the maximums of the

1 imposed indeterminate terms, if any, plus the aggregate  
2 of the imposed determinate sentences for felonies plus  
3 the aggregate of the imposed determinate sentences for  
4 misdemeanors subject to paragraph (c) of this Section;

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

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

12 (4) the offender shall be awarded credit against  
13 the aggregate maximum term and the aggregate minimum term  
14 of imprisonment for all time served in an institution  
15 since the commission of the offense or offenses and as a  
16 consequence thereof at the rate specified in Section  
17 3-6-3 of this Code.

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

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

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

1 judgments of conviction are entered.

2 (i) If a person admitted to bail following conviction of  
3 a felony commits a separate felony while free on bond or if a  
4 person detained in a county jail facility or county detention  
5 facility following conviction of a felony commits a separate  
6 felony while in detention, any sentence following conviction  
7 of the separate felony shall be consecutive to that of the  
8 original sentence for which the defendant was on bond or  
9 detained.

10 (Source: P.A. 91-144, eff. 1-1-00; 91-404, eff. 1-1-00;  
11 92-16, eff. 6-28-01.)