

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 in connection with the offense of domestic
23 battery. The program shall also encourage public outreach by
24 law enforcement agencies.

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

1 to develop and administer the Project Exile pilot program.

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

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

17 Section 10. The State Finance Act is amended by adding
18 Section 5.541 as follows:

19 (30 ILCS 105/5.545 new)

20 Sec. 5.545. The Project Exile Fund.

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

23 (725 ILCS 5/111-9 new)

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

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

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

9 (730 ILCS 5/5-8-4) (from Ch. 38, par. 1005-8-4)

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

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

32 (i) one of the offenses for which defendant was

1 convicted was first degree murder or a Class X or Class 1
2 felony and the defendant inflicted severe bodily injury,
3 or

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

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

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

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

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

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

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

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

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

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

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

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

29 (4) the offender shall be awarded credit against
30 the aggregate maximum term and the aggregate minimum term
31 of imprisonment for all time served in an institution
32 since the commission of the offense or offenses and as a
33 consequence thereof at the rate specified in Section
34 3-6-3 of this Code.

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

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

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

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

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

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

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

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

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Statutes amended in order of appearance

20 ILCS 2605/2605-555 new

30 ILCS 105/5.545 new

725 ILCS 5/111-9 new

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