

IN THE CIRCUIT COURT OF _____ COUNTY, ILLINOIS
 _____ JUDICIAL CIRCUIT
 SUPPLEMENTAL SENTENCING ORDER PURSUANT TO 730 ILCS 5/5-4.5-110 (DIVERSION FROM
 PRESUMPTIVE SENTENCING RANGE)

People of the State of Illinois, <p style="text-align: center;">Plaintiff</p> v. _____, <p style="text-align: center;">Defendant</p>	Case No: _____
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1. Pursuant to the Unified Code of Corrections (730 ILCS 5/5-4.5-110(b)), the court finds that the defendant has been found guilty of :

- Unlawful Use of a Weapon (a firearm) by a Felon, 720 ILCS 5/24-1.1, Class: ____
- Aggravated Unlawful Use of a Weapon (a firearm), 720 ILCS 5/24-1.6, Class: ____

and is eligible for sentencing pursuant to 730 ILCS 5/5-4.5-110(c) based on the defendant's criminal history which includes the following **qualifying predicates**:

<ul style="list-style-type: none"> <input type="checkbox"/> Aggravated unlawful use of a weapon under 720 ILCS 5/24-1.6, when the weapon is a firearm <input type="checkbox"/> Unlawful use or possession of a weapon by a felon under § 24-1.1, when the weapon is a firearm <input type="checkbox"/> First degree murder under § 9-1 <input type="checkbox"/> Attempted first degree murder with a firearm <input type="checkbox"/> Aggravated kidnapping with a firearm under § 10-2(a)(6) or (a)(7) <input type="checkbox"/> Aggravated battery with a firearm under § 12-3.05(e) <input type="checkbox"/> Predatory criminal sexual assault of child under § 11-1.40 	<ul style="list-style-type: none"> <input type="checkbox"/> Armed robbery under § 18-2 <input type="checkbox"/> Vehicular hijacking under § 18-3 <input type="checkbox"/> Aggravated vehicular hijacking under § 18-4 <input type="checkbox"/> Home invasion with firearm under § 19-6(a)(3), (4), or (5) <input type="checkbox"/> Aggravated discharge of a firearm under § 24-1.2 <input type="checkbox"/> Unlawful sale or delivery of firearms under § 24-3 <input type="checkbox"/> Defacing identification marks of firearms under § 24-5 <input type="checkbox"/> Armed violence under § 33A-2 <input type="checkbox"/> Other qualifying predicate(s): _____
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2. It is hereby ordered:

- A. The defendant is sentenced to a term of _____ years in the custody of the Department of Corrections, which is within the presumptive sentencing range pursuant to 730 ILCS 5/5-4.5-110(c); or
- B. Pursuant to 730 ILCS 5/5-4.5-110(d)(2) there is a substantial and compelling justification that the sentence within the presumptive sentencing range would be unduly harsh and that a sentence otherwise authorized by law would be consistent with public safety and does not deprecate the seriousness of the offense. Therefore, the court departs from the presumptive sentencing range for the reason[s] listed below. The defendant is sentenced to a term of _____ years in the custody of the Department of Corrections.

<ul style="list-style-type: none"> <input type="checkbox"/> The age, immaturity, or limited mental capacity of the defendant at the time of commission of the qualifying predicate or current offense, including whether the defendant was suffering from a mental or physical condition insufficient to constitute a defense but significantly reduced the defendant's culpability; <input type="checkbox"/> The nature and circumstances of the qualifying predicate offense; <input type="checkbox"/> The time elapsed since the qualifying predicate offense; <input type="checkbox"/> The nature and circumstances of the current offense; 	<ul style="list-style-type: none"> <input type="checkbox"/> The defendant committed the qualifying predicate or current offense under specific and credible duress, coercion, threat, or compulsion; <input type="checkbox"/> The defendant aided in the apprehension of another felon or testified truthfully on behalf of another prosecution of a felony; and <input type="checkbox"/> Departure is in the interest of the person's rehabilitation, including employment or educational or vocational training, after taking into account any past rehabilitation efforts or dispositions of probation or
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The defendant's prior criminal history;

supervision, and the defendant's cooperation or response to rehabilitation.

ENTERED:

Date: _____

Judge

Judge No.

The following data is requested to facilitate analysis of the impact of 730 ILCS 5/5-4.5-110 as required by 730 ILCS 5/5-8-8(d)(4.5):

Date of arrest: _____

Defendant's date of birth: _____

Other convictions from this arrest:

Offense:

Citation:

The Clerk will please submit this order to the below e-mail address once completed and signed:

SPAC.orders@illinois.gov

Statutory Requirements for Departure From Presumptive Sentencing Range

At the sentencing hearing conducted under 730 ILCS 5/5-4-1, the court may depart from the presumptive sentencing range provided in 730 ILCS 5/5-4.5-110(c) and impose a sentence otherwise authorized by law for the offense if the court, after considering any factor under 730 ILCS 5/5-4.5-110(d)(2) relevant to the nature and circumstances of the crime and to the history and character of the defendant, finds on the record substantial and compelling justification that the sentence within the presumptive sentencing range would be unduly harsh and that a sentence otherwise authorized by law would be consistent with public safety and does not deprecate the seriousness of the offense. *See* 730 ILCS 5/5-4.5-110(d)(1).

When departing from the presumptive sentencing range under 730 ILCS 5/5-4.5-110(c), the court shall specify on the record, the particular evidence, information, factor or factors, or other reasons which led to the departure from the presumptive sentencing range. When departing from the presumptive sentencing range, the court shall indicate on this form which departure factor or factors led to the sentence imposed. The sentencing order shall be filed with the clerk of the court and shall be a public record. *See* 730 ILCS 5/5-4.5-110(d)(3).

Definitions for purposes of 730 ILCS 5/5-4.5-110

“Firearm” has the meaning ascribed to it in Section 1.1 of the Firearm Owners Identification Card Act (430 ILCS 65/1.1).

“Qualifying predicate offense” means the following offenses under the Criminal Code of 2012:

- (A) Aggravated unlawful use of a weapon under Section 24-1.6 or similar offense under the Criminal Code of 1961, when the weapon is a firearm;
- (B) Unlawful use or possession of a weapon by a felon under Section 24-1.1 or similar offense under the Criminal Code of 1961, when the weapon is a firearm;
- (C) First degree murder under Section 9-1 or similar offense under the Criminal Code of 1961;
- (D) Attempted first degree murder with a firearm or similar offense under the Criminal Code of 1961;
- (E) Aggravated kidnapping with a firearm under paragraph (6) or (7) of subsection (a) of Section 10-2 or similar offense under the Criminal Code of 1961;
- (F) Aggravated battery with a firearm under subsection (e) of Section 12-3.05 or similar offense under the Criminal Code of 1961;
- (G) Aggravated criminal sexual assault under Section 11-1.30 or similar offense under the Criminal Code of 1961;
- (H) Predatory criminal sexual assault of a child under Section 11-1.40 or similar offense under the Criminal Code of 1961;
- (I) Armed robbery under Section 18-2 or similar offense under the Criminal Code of 1961;
- (J) Vehicular hijacking under Section 18-3 or similar offense under the Criminal Code of 1961;
- (K) Aggravated vehicular hijacking under Section 18-4 or similar offense under the Criminal Code of 1961;
- (L) Home invasion with a firearm under paragraph (3), (4), or (5) of subsection (a) of Section 19-6 or similar offense under the Criminal Code of 1961;
- (M) Aggravated discharge of a firearm under Section 24-1.2 or similar offense under the Criminal Code of 1961;
- (N) Aggravated discharge of a machine gun or a firearm equipped with a device designed or used for silencing the report of a firearm under Section 24-1.2-5 or similar offense under the Criminal Code of 1961;
- (O) Unlawful use of firearm projectiles under Section 24-2.1 or similar offense under the Criminal Code of 1961;
- (P) Manufacture, sale, or transfer of bullets or shells represented to be armor piercing bullets, dragon’s breath shotgun shells, bolo shells, or flechette shells under Section 24-2.2 or similar offense under the Criminal Code of 1961;
- (Q) Unlawful sale or delivery of firearms under Section 24-3 or similar offense under the Criminal Code of 1961;
- (R) Unlawful discharge of firearm projectiles under Section 24-3.2 or similar offense under the Criminal Code of 1961;
- (S) Unlawful sale or delivery of firearms on school premises of any school under Section 24-3.3 or similar offense under the Criminal Code of 1961;
- (T) Unlawful purchase of a firearm under Section 24-3.5 or similar offense under the Criminal Code of 1961;
- (U) Use of a stolen firearm in the commission of an offense under Section 24-3.7 or similar offense under the Criminal Code of 1961;
- (V) Possession of a stolen firearm under Section 24-3.8 or similar offense under the Criminal Code of 1961;
- (W) Aggravated possession of a stolen firearm under Section 24-3.9 or similar offense under the Criminal Code of 1961;
- (X) Gunrunning under Section 24-3A or similar offense under the Criminal Code of 1961;
- (Y) Defacing identification marks of firearms under Section 24-5 or similar offense under the Criminal Code of 1961;
- (Z) Armed violence under Section 33A-2 or similar offense under the Criminal Code of 1961.

See 730 ILCS 5/5-4.5-110(a).