



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB3738

by Rep. Jaime M. Andrade, Jr.

SYNOPSIS AS INTRODUCED:

720 ILCS 5/24-1	from Ch. 38, par. 24-1
720 ILCS 5/24-1.1	from Ch. 38, par. 24-1.1
720 ILCS 5/24-1.6	
720 ILCS 5/24-1.8	
720 ILCS 5/24-11 new	
730 ILCS 5/3-6-3	from Ch. 38, par. 1003-6-3
730 ILCS 5/5-5-3	from Ch. 38, par. 1005-5-3

Amends the Criminal Code of 2012. Enhances the penalties for certain violations of the statutes concerning unlawful use of weapons, unlawful use or possession of weapons by felons, aggravated unlawful use of a weapon, and unlawful possession of a firearm by a street gang member. Provides that each circuit court shall transmit to every local law enforcement agency located within the circuit, on a quarterly basis, the disposition of all cases involving violations of the Deadly Weapons Article of the Code within the previous quarter. Establishes an affirmative defense. Amends the Unified Code of Corrections. Provides that a prisoner serving a sentence for certain unlawful use of weapons violations, unlawful use or possession of a weapon by felons, aggravated unlawful use of a weapon, or unlawful possession of a firearm by a street gang member shall receive no more than 4.5 days of sentence credit for each month of his or her sentence of imprisonment. Effective immediately.

LRB100 09061 RLC 19210 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

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

4 Section 5. The Criminal Code of 2012 is amended by changing
5 Sections 24-1, 24-1.1, 24-1.6, and 24-1.8 and by adding Section
6 24-11 as follows:

7 (720 ILCS 5/24-1) (from Ch. 38, par. 24-1)

8 Sec. 24-1. Unlawful use of weapons.

9 (a) A person commits the offense of unlawful use of weapons
10 when he knowingly:

11 (1) Sells, manufactures, purchases, possesses or
12 carries any bludgeon, black-jack, slung-shot, sand-club,
13 sand-bag, metal knuckles or other knuckle weapon
14 regardless of its composition, throwing star, or any knife,
15 commonly referred to as a switchblade knife, which has a
16 blade that opens automatically by hand pressure applied to
17 a button, spring or other device in the handle of the
18 knife, or a ballistic knife, which is a device that propels
19 a knifelike blade as a projectile by means of a coil
20 spring, elastic material or compressed gas; or

21 (2) Carries or possesses with intent to use the same
22 unlawfully against another, a dagger, dirk, billy,
23 dangerous knife, razor, stiletto, broken bottle or other

1 piece of glass, stun gun or taser or any other dangerous or
2 deadly weapon or instrument of like character; or

3 (3) Carries on or about his person or in any vehicle, a
4 tear gas gun projector or bomb or any object containing
5 noxious liquid gas or substance, other than an object
6 containing a non-lethal noxious liquid gas or substance
7 designed solely for personal defense carried by a person 18
8 years of age or older; or

9 (4) Carries or possesses in any vehicle or concealed on
10 or about his person except when on his land or in his own
11 abode, legal dwelling, or fixed place of business, or on
12 the land or in the legal dwelling of another person as an
13 invitee with that person's permission, any pistol,
14 revolver, stun gun or taser or other firearm, except that
15 this subsection (a) (4) does not apply to or affect
16 transportation of weapons that meet one of the following
17 conditions:

18 (i) are broken down in a non-functioning state; or

19 (ii) are not immediately accessible; or

20 (iii) are unloaded and enclosed in a case, firearm
21 carrying box, shipping box, or other container by a
22 person who has been issued a currently valid Firearm
23 Owner's Identification Card; or

24 (iv) are carried or possessed in accordance with
25 the Firearm Concealed Carry Act by a person who has
26 been issued a currently valid license under the Firearm

1 Concealed Carry Act; or

2 (5) Sets a spring gun; or

3 (6) Possesses any device or attachment of any kind
4 designed, used or intended for use in silencing the report
5 of any firearm; or

6 (7) Sells, manufactures, purchases, possesses or
7 carries:

8 (i) a machine gun, which shall be defined for the
9 purposes of this subsection as any weapon, which
10 shoots, is designed to shoot, or can be readily
11 restored to shoot, automatically more than one shot
12 without manually reloading by a single function of the
13 trigger, including the frame or receiver of any such
14 weapon, or sells, manufactures, purchases, possesses,
15 or carries any combination of parts designed or
16 intended for use in converting any weapon into a
17 machine gun, or any combination or parts from which a
18 machine gun can be assembled if such parts are in the
19 possession or under the control of a person;

20 (ii) any rifle having one or more barrels less than
21 16 inches in length or a shotgun having one or more
22 barrels less than 18 inches in length or any weapon
23 made from a rifle or shotgun, whether by alteration,
24 modification, or otherwise, if such a weapon as
25 modified has an overall length of less than 26 inches;
26 or

1 (iii) any bomb, bomb-shell, grenade, bottle or
2 other container containing an explosive substance of
3 over one-quarter ounce for like purposes, such as, but
4 not limited to, black powder bombs and Molotov
5 cocktails or artillery projectiles; or

6 (8) Carries or possesses any firearm, stun gun or taser
7 or other deadly weapon in any place which is licensed to
8 sell intoxicating beverages, or at any public gathering
9 held pursuant to a license issued by any governmental body
10 or any public gathering at which an admission is charged,
11 excluding a place where a showing, demonstration or lecture
12 involving the exhibition of unloaded firearms is
13 conducted.

14 This subsection (a) (8) does not apply to any auction or
15 raffle of a firearm held pursuant to a license or permit
16 issued by a governmental body, nor does it apply to persons
17 engaged in firearm safety training courses; or

18 (9) Carries or possesses in a vehicle or on or about
19 his person any pistol, revolver, stun gun or taser or
20 firearm or ballistic knife, when he is hooded, robed or
21 masked in such manner as to conceal his identity; or

22 (10) Carries or possesses on or about his person, upon
23 any public street, alley, or other public lands within the
24 corporate limits of a city, village or incorporated town,
25 except when an invitee thereon or therein, for the purpose
26 of the display of such weapon or the lawful commerce in

1 weapons, or except when on his land or in his own abode,
2 legal dwelling, or fixed place of business, or on the land
3 or in the legal dwelling of another person as an invitee
4 with that person's permission, any pistol, revolver, stun
5 gun or taser or other firearm, except that this subsection
6 (a) (10) does not apply to or affect transportation of
7 weapons that meet one of the following conditions:

8 (i) are broken down in a non-functioning state; or

9 (ii) are not immediately accessible; or

10 (iii) are unloaded and enclosed in a case, firearm
11 carrying box, shipping box, or other container by a
12 person who has been issued a currently valid Firearm
13 Owner's Identification Card; or

14 (iv) are carried or possessed in accordance with
15 the Firearm Concealed Carry Act by a person who has
16 been issued a currently valid license under the Firearm
17 Concealed Carry Act.

18 A "stun gun or taser", as used in this paragraph (a)
19 means (i) any device which is powered by electrical
20 charging units, such as, batteries, and which fires one or
21 several barbs attached to a length of wire and which, upon
22 hitting a human, can send out a current capable of
23 disrupting the person's nervous system in such a manner as
24 to render him incapable of normal functioning or (ii) any
25 device which is powered by electrical charging units, such
26 as batteries, and which, upon contact with a human or

1 clothing worn by a human, can send out current capable of
2 disrupting the person's nervous system in such a manner as
3 to render him incapable of normal functioning; or

4 (11) Sells, manufactures or purchases any explosive
5 bullet. For purposes of this paragraph (a) "explosive
6 bullet" means the projectile portion of an ammunition
7 cartridge which contains or carries an explosive charge
8 which will explode upon contact with the flesh of a human
9 or an animal. "Cartridge" means a tubular metal case having
10 a projectile affixed at the front thereof and a cap or
11 primer at the rear end thereof, with the propellant
12 contained in such tube between the projectile and the cap;
13 or

14 (12) (Blank); or

15 (13) Carries or possesses on or about his or her person
16 while in a building occupied by a unit of government, a
17 billy club, other weapon of like character, or other
18 instrument of like character intended for use as a weapon.
19 For the purposes of this Section, "billy club" means a
20 short stick or club commonly carried by police officers
21 which is either telescopic or constructed of a solid piece
22 of wood or other man-made material.

23 (b) Sentence. A person convicted of a violation of
24 subsection 24-1(a)(1) through (5), subsection 24-1(a)(10),
25 subsection 24-1(a)(11), or subsection 24-1(a)(13) commits a
26 Class A misdemeanor. A person convicted of a violation of

1 subsection 24-1(a) (8) or 24-1(a) (9) commits a Class 4 felony; a
2 person convicted of a violation of subsection 24-1(a) (6) or
3 24-1(a) (7) (ii) or (iii) commits a Class 3 felony. A person
4 convicted of a violation of subsection 24-1(a) (7) (i) commits a
5 Class 2 felony and shall be sentenced to a term of imprisonment
6 of not less than 3 years and not more than 7 years, unless the
7 weapon is possessed in the passenger compartment of a motor
8 vehicle as defined in Section 1-146 of the Illinois Vehicle
9 Code, or on the person, while the weapon is loaded, in which
10 case it shall be a Class X felony. A person convicted of a
11 second or subsequent violation of subsection ~~24-1(a) (4),~~
12 ~~24-1(a) (8) or,~~ 24-1(a) (9), ~~or 24-1(a) (10)~~ commits a Class 3
13 felony. A person convicted of a second or subsequent violation
14 of subsection 24-1(a) (4) or 24-1(a) (10) commits a Class 3
15 felony and shall be sentenced to a term of imprisonment of not
16 less than 3 years and not more than 10 years. The possession of
17 each weapon in violation of this Section constitutes a single
18 and separate violation.

19 (c) Violations in specific places.

20 (1) A person who violates subsection 24-1(a) (6) or
21 24-1(a) (7) in any school, regardless of the time of day or
22 the time of year, in residential property owned, operated
23 or managed by a public housing agency or leased by a public
24 housing agency as part of a scattered site or mixed-income
25 development, in a public park, in a courthouse, on the real
26 property comprising any school, regardless of the time of

1 day or the time of year, on residential property owned,
2 operated or managed by a public housing agency or leased by
3 a public housing agency as part of a scattered site or
4 mixed-income development, on the real property comprising
5 any public park, on the real property comprising any
6 courthouse, in any conveyance owned, leased or contracted
7 by a school to transport students to or from school or a
8 school related activity, in any conveyance owned, leased,
9 or contracted by a public transportation agency, or on any
10 public way within 1,000 feet of the real property
11 comprising any school, public park, courthouse, public
12 transportation facility, or residential property owned,
13 operated, or managed by a public housing agency or leased
14 by a public housing agency as part of a scattered site or
15 mixed-income development commits a Class 2 felony and shall
16 be sentenced to a term of imprisonment of not less than 3
17 years and not more than 7 years.

18 (1.5) A person who violates subsection 24-1(a)(4),
19 24-1(a)(9), or 24-1(a)(10) in any school, regardless of the
20 time of day or the time of year, in residential property
21 owned, operated, or managed by a public housing agency or
22 leased by a public housing agency as part of a scattered
23 site or mixed-income development, in a public park, in a
24 courthouse, on the real property comprising any school,
25 regardless of the time of day or the time of year, on
26 residential property owned, operated, or managed by a

1 public housing agency or leased by a public housing agency
2 as part of a scattered site or mixed-income development, on
3 the real property comprising any public park, on the real
4 property comprising any courthouse, in any conveyance
5 owned, leased, or contracted by a school to transport
6 students to or from school or a school related activity, in
7 any conveyance owned, leased, or contracted by a public
8 transportation agency, or on any public way within 1,000
9 feet of the real property comprising any school, public
10 park, courthouse, public transportation facility, or
11 residential property owned, operated, or managed by a
12 public housing agency or leased by a public housing agency
13 as part of a scattered site or mixed-income development
14 commits a Class 3 felony.

15 (2) A person who violates subsection 24-1(a)(1),
16 24-1(a)(2), or 24-1(a)(3) in any school, regardless of the
17 time of day or the time of year, in residential property
18 owned, operated or managed by a public housing agency or
19 leased by a public housing agency as part of a scattered
20 site or mixed-income development, in a public park, in a
21 courthouse, on the real property comprising any school,
22 regardless of the time of day or the time of year, on
23 residential property owned, operated or managed by a public
24 housing agency or leased by a public housing agency as part
25 of a scattered site or mixed-income development, on the
26 real property comprising any public park, on the real

1 property comprising any courthouse, in any conveyance
2 owned, leased or contracted by a school to transport
3 students to or from school or a school related activity, in
4 any conveyance owned, leased, or contracted by a public
5 transportation agency, or on any public way within 1,000
6 feet of the real property comprising any school, public
7 park, courthouse, public transportation facility, or
8 residential property owned, operated, or managed by a
9 public housing agency or leased by a public housing agency
10 as part of a scattered site or mixed-income development
11 commits a Class 4 felony. "Courthouse" means any building
12 that is used by the Circuit, Appellate, or Supreme Court of
13 this State for the conduct of official business.

14 (3) Paragraphs (1), (1.5), and (2) of this subsection
15 (c) shall not apply to law enforcement officers or security
16 officers of such school, college, or university or to
17 students carrying or possessing firearms for use in
18 training courses, parades, hunting, target shooting on
19 school ranges, or otherwise with the consent of school
20 authorities and which firearms are transported unloaded
21 enclosed in a suitable case, box, or transportation
22 package.

23 (4) For the purposes of this subsection (c), "school"
24 means any public or private elementary or secondary school,
25 community college, college, or university.

26 (5) For the purposes of this subsection (c), "public

1 transportation agency" means a public or private agency
2 that provides for the transportation or conveyance of
3 persons by means available to the general public, except
4 for transportation by automobiles not used for conveyance
5 of the general public as passengers; and "public
6 transportation facility" means a terminal or other place
7 where one may obtain public transportation.

8 (d) The presence in an automobile other than a public
9 omnibus of any weapon, instrument or substance referred to in
10 subsection (a) (7) is prima facie evidence that it is in the
11 possession of, and is being carried by, all persons occupying
12 such automobile at the time such weapon, instrument or
13 substance is found, except under the following circumstances:
14 (i) if such weapon, instrument or instrumentality is found upon
15 the person of one of the occupants therein; or (ii) if such
16 weapon, instrument or substance is found in an automobile
17 operated for hire by a duly licensed driver in the due, lawful
18 and proper pursuit of his trade, then such presumption shall
19 not apply to the driver.

20 (e) Exemptions. Crossbows, Common or Compound bows and
21 Underwater Spearguns are exempted from the definition of
22 ballistic knife as defined in paragraph (1) of subsection (a)
23 of this Section.

24 (Source: P.A. 99-29, eff. 7-10-15.)

25 (720 ILCS 5/24-1.1) (from Ch. 38, par. 24-1.1)

1 Sec. 24-1.1. Unlawful Use or Possession of Weapons by
2 Felons or Persons in the Custody of the Department of
3 Corrections Facilities.

4 (a) It is unlawful for a person to knowingly possess on or
5 about his person or on his land or in his own abode or fixed
6 place of business any weapon prohibited under Section 24-1 of
7 this Act or any firearm or any firearm ammunition if the person
8 has been convicted of a felony under the laws of this State or
9 any other jurisdiction. This Section shall not apply if the
10 person has been granted relief by the Director of the
11 Department of State Police under Section 10 of the Firearm
12 Owners Identification Card Act.

13 (b) It is unlawful for any person confined in a penal
14 institution, which is a facility of the Illinois Department of
15 Corrections, to possess any weapon prohibited under Section
16 24-1 of this Code or any firearm or firearm ammunition,
17 regardless of the intent with which he possesses it.

18 (c) It shall be an affirmative defense to a violation of
19 subsection (b), that such possession was specifically
20 authorized by rule, regulation, or directive of the Illinois
21 Department of Corrections or order issued pursuant thereto.

22 (d) The defense of necessity is not available to a person
23 who is charged with a violation of subsection (b) of this
24 Section.

25 (e) Sentence. Violation of this Section by a person not
26 confined in a penal institution shall be a Class 3 felony for

1 which the person shall be sentenced to no less than 4 ~~2~~ years
2 and no more than 10 years and any second or subsequent
3 violation shall be a Class 2 felony for which the person shall
4 be sentenced to a term of imprisonment of not less than 5 ~~3~~
5 years and not more than 14 years. Violation of this Section by
6 a person not confined in a penal institution who has been
7 convicted of a forcible felony, a felony violation of Article
8 24 of this Code or of the Firearm Owners Identification Card
9 Act, stalking or aggravated stalking, or a Class 2 or greater
10 felony under the Illinois Controlled Substances Act, the
11 Cannabis Control Act, or the Methamphetamine Control and
12 Community Protection Act is a Class 2 felony for which the
13 person shall be sentenced to not less than 3 years and not more
14 than 14 years. Violation of this Section by a person who is on
15 parole or mandatory supervised release is a Class 2 felony for
16 which the person shall be sentenced to not less than 5 ~~3~~ years
17 and not more than 14 years. Violation of this Section by a
18 person not confined in a penal institution is a Class X felony
19 when the firearm possessed is a machine gun. Any person who
20 violates this Section while confined in a penal institution,
21 which is a facility of the Illinois Department of Corrections,
22 is guilty of a Class 1 felony, if he possesses any weapon
23 prohibited under Section 24-1 of this Code regardless of the
24 intent with which he possesses it, a Class X felony if he
25 possesses any firearm, firearm ammunition or explosive, and a
26 Class X felony for which the offender shall be sentenced to not

1 less than 12 years and not more than 50 years when the firearm
2 possessed is a machine gun. A violation of this Section while
3 wearing or in possession of body armor as defined in Section
4 33F-1 is a Class X felony punishable by a term of imprisonment
5 of not less than 10 years and not more than 40 years. The
6 possession of each firearm or firearm ammunition in violation
7 of this Section constitutes a single and separate violation.

8 (Source: P.A. 97-237, eff. 1-1-12.)

9 (720 ILCS 5/24-1.6)

10 Sec. 24-1.6. Aggravated unlawful use of a weapon.

11 (a) A person commits the offense of aggravated unlawful use
12 of a weapon when he or she knowingly:

13 (1) Carries on or about his or her person or in any
14 vehicle or concealed on or about his or her person except
15 when on his or her land or in his or her abode, legal
16 dwelling, or fixed place of business, or on the land or in
17 the legal dwelling of another person as an invitee with
18 that person's permission, any pistol, revolver, stun gun or
19 taser or other firearm; or

20 (2) Carries or possesses on or about his or her person,
21 upon any public street, alley, or other public lands within
22 the corporate limits of a city, village or incorporated
23 town, except when an invitee thereon or therein, for the
24 purpose of the display of such weapon or the lawful
25 commerce in weapons, or except when on his or her own land

1 or in his or her own abode, legal dwelling, or fixed place
2 of business, or on the land or in the legal dwelling of
3 another person as an invitee with that person's permission,
4 any pistol, revolver, stun gun or taser or other firearm;
5 and

6 (3) One of the following factors is present:

7 (A) the firearm, other than a pistol, revolver, or
8 handgun, possessed was uncased, loaded, and
9 immediately accessible at the time of the offense; or

10 (A-5) the pistol, revolver, or handgun possessed
11 was uncased, loaded, and immediately accessible at the
12 time of the offense and the person possessing the
13 pistol, revolver, or handgun has not been issued a
14 currently valid license under the Firearm Concealed
15 Carry Act; or

16 (B) the firearm, other than a pistol, revolver, or
17 handgun, possessed was uncased, unloaded, and the
18 ammunition for the weapon was immediately accessible
19 at the time of the offense; or

20 (B-5) the pistol, revolver, or handgun possessed
21 was uncased, unloaded, and the ammunition for the
22 weapon was immediately accessible at the time of the
23 offense and the person possessing the pistol,
24 revolver, or handgun has not been issued a currently
25 valid license under the Firearm Concealed Carry Act; or

26 (C) the person possessing the firearm has not been

1 issued a currently valid Firearm Owner's
2 Identification Card; or

3 (D) the person possessing the weapon was
4 previously adjudicated a delinquent minor under the
5 Juvenile Court Act of 1987 for an act that if committed
6 by an adult would be a felony; or

7 (E) the person possessing the weapon was engaged in
8 a misdemeanor violation of the Cannabis Control Act, in
9 a misdemeanor violation of the Illinois Controlled
10 Substances Act, or in a misdemeanor violation of the
11 Methamphetamine Control and Community Protection Act;
12 or

13 (F) (blank); or

14 (G) the person possessing the weapon had an ~~a~~ order
15 of protection issued against him or her within the
16 previous 2 years; or

17 (H) the person possessing the weapon was engaged in
18 the commission or attempted commission of a
19 misdemeanor involving the use or threat of violence
20 against the person or property of another; or

21 (I) the person possessing the weapon was under 21
22 years of age and in possession of a handgun, unless the
23 person under 21 is engaged in lawful activities under
24 the Wildlife Code or described in subsection
25 24-2(b)(1), (b)(3), or 24-2(f).

26 (a-5) "Handgun" as used in this Section has the meaning

1 given to it in Section 5 of the Firearm Concealed Carry Act.

2 (b) "Stun gun or taser" as used in this Section has the
3 same definition given to it in Section 24-1 of this Code.

4 (c) This Section does not apply to or affect the
5 transportation or possession of weapons that:

6 (i) are broken down in a non-functioning state; or

7 (ii) are not immediately accessible; or

8 (iii) are unloaded and enclosed in a case, firearm
9 carrying box, shipping box, or other container by a person
10 who has been issued a currently valid Firearm Owner's
11 Identification Card.

12 (c-5) It is an affirmative defense to the offense under
13 item (C) of paragraph (3) of subsection (a) of this Section
14 that the defendant has, prior to the commission of the offense,
15 submitted a Firearm Owner's Identification Card renewal
16 application to the Department of State Police and the defendant
17 is otherwise eligible for a Firearm Owner's Identification
18 Card.

19 (d) Sentence.

20 (1) Aggravated unlawful use of a weapon is a Class 4
21 felony; a second or subsequent offense is a Class 2 felony
22 for which the person shall be sentenced to a term of
23 imprisonment of not less than 4 ~~3~~ years and not more than
24 10 ~~7~~ years.

25 (2) Except as otherwise provided in paragraphs (3) and
26 (4) of this subsection (d), a first offense of aggravated

1 unlawful use of a weapon committed with a firearm by a
2 person 18 years of age or older where the factors listed in
3 either ~~both~~ items (A) or (B) and (C) or both items (A-5)
4 and (C) of paragraph (3) of subsection (a) are present is a
5 Class 3 ~~4~~ felony, for which the person shall be sentenced
6 to a term of imprisonment of not less than ~~one year and not~~
7 ~~more than~~ 3 years and not more than 7 years.

8 (3) Aggravated unlawful use of a weapon by a person who
9 has been previously convicted of a felony in this State or
10 another jurisdiction is a Class 2 felony for which the
11 person shall be sentenced to a term of imprisonment of not
12 less than 5 ~~3~~ years and not more than 10 ~~7~~ years.

13 (4) Aggravated unlawful use of a weapon while wearing
14 or in possession of body armor as defined in Section 33F-1
15 by a person who has not been issued a valid Firearms
16 Owner's Identification Card in accordance with Section 5 of
17 the Firearm Owners Identification Card Act is a Class X
18 felony.

19 (e) The possession of each firearm in violation of this
20 Section constitutes a single and separate violation.

21 (Source: P.A. 98-63, eff. 7-9-13; revised 10-6-16.)

22 (720 ILCS 5/24-1.8)

23 Sec. 24-1.8. Unlawful possession of a firearm by a street
24 gang member.

25 (a) A person commits unlawful possession of a firearm by a

1 street gang member when he or she knowingly:

2 (1) possesses, carries, or conceals on or about his or
3 her person a firearm and firearm ammunition while on any
4 street, road, alley, gangway, sidewalk, or any other lands,
5 except when inside his or her own abode or inside his or
6 her fixed place of business, and has not been issued a
7 currently valid Firearm Owner's Identification Card and is
8 a member of a street gang; or

9 (2) possesses or carries in any vehicle a firearm and
10 firearm ammunition which are both immediately accessible
11 at the time of the offense while on any street, road,
12 alley, or any other lands, except when inside his or her
13 own abode or garage, and has not been issued a currently
14 valid Firearm Owner's Identification Card and is a member
15 of a street gang.

16 (b) Unlawful possession of a firearm by a street gang
17 member is a Class 2 felony for which the person, if sentenced
18 to a term of imprisonment, shall be sentenced to no less than 4
19 ~~3~~ years and no more than 10 years. A period of probation, a
20 term of periodic imprisonment or conditional discharge shall
21 not be imposed for the offense of unlawful possession of a
22 firearm by a street gang member when the firearm was loaded or
23 contained firearm ammunition and the court shall sentence the
24 offender to not less than the minimum term of imprisonment
25 authorized for the Class 2 felony.

26 (c) For purposes of this Section:

1 "Street gang" or "gang" has the meaning ascribed to it
2 in Section 10 of the Illinois Streetgang Terrorism Omnibus
3 Prevention Act.

4 "Street gang member" or "gang member" has the meaning
5 ascribed to it in Section 10 of the Illinois Streetgang
6 Terrorism Omnibus Prevention Act.

7 (Source: P.A. 96-829, eff. 12-3-09.)

8 (720 ILCS 5/24-11 new)

9 Sec. 24-11. Deadly weapons dispositions; report. Each
10 circuit court shall transmit to every local law enforcement
11 agency located within the circuit, on a quarterly basis, the
12 disposition of all cases involving violations of this Article
13 24 within the previous quarter.

14 Section 10. The Unified Code of Corrections is amended by
15 changing Sections 3-6-3 and 5-5-3 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 sentence credit.

18 (a) (1) The Department of Corrections shall prescribe rules
19 and regulations for awarding and revoking sentence credit for
20 persons committed to the Department which shall be subject to
21 review by the Prisoner Review Board.

22 (1.5) As otherwise provided by law, sentence credit may be
23 awarded for the following:

1 (A) successful completion of programming while in
2 custody of the Department or while in custody prior to
3 sentencing;

4 (B) compliance with the rules and regulations of the
5 Department; or

6 (C) service to the institution, service to a community,
7 or service to the State.

8 (2) The rules and regulations on sentence credit shall
9 provide, with respect to offenses listed in clause (i), (ii),
10 or (iii) of this paragraph (2) committed on or after June 19,
11 1998 or with respect to the offense listed in clause (iv) of
12 this paragraph (2) committed on or after June 23, 2005 (the
13 effective date of Public Act 94-71) or with respect to offense
14 listed in clause (vi) committed on or after June 1, 2008 (the
15 effective date of Public Act 95-625) or with respect to the
16 offense of being an armed habitual criminal committed on or
17 after August 2, 2005 (the effective date of Public Act 94-398)
18 or with respect to the offenses listed in clause (v) of this
19 paragraph (2) committed on or after August 13, 2007 (the
20 effective date of Public Act 95-134) or with respect to the
21 offense of aggravated domestic battery committed on or after
22 July 23, 2010 (the effective date of Public Act 96-1224) or
23 with respect to the offense of attempt to commit terrorism
24 committed on or after January 1, 2013 (the effective date of
25 Public Act 97-990) or with respect to offenses listed in clause
26 (viii) committed on or after the effective date of this

1 amendatory Act of the 100th General Assembly, the following:

2 (i) that a prisoner who is serving a term of
3 imprisonment for first degree murder or for the offense of
4 terrorism shall receive no sentence credit and shall serve
5 the entire sentence imposed by the court;

6 (ii) that a prisoner serving a sentence for attempt to
7 commit terrorism, attempt to commit first degree murder,
8 solicitation of murder, solicitation of murder for hire,
9 intentional homicide of an unborn child, predatory
10 criminal sexual assault of a child, aggravated criminal
11 sexual assault, criminal sexual assault, aggravated
12 kidnapping, aggravated battery with a firearm as described
13 in Section 12-4.2 or subdivision (e) (1), (e) (2), (e) (3), or
14 (e) (4) of Section 12-3.05, heinous battery as described in
15 Section 12-4.1 or subdivision (a) (2) of Section 12-3.05,
16 being an armed habitual criminal, aggravated battery of a
17 senior citizen as described in Section 12-4.6 or
18 subdivision (a) (4) of Section 12-3.05, or aggravated
19 battery of a child as described in Section 12-4.3 or
20 subdivision (b) (1) of Section 12-3.05 shall receive no more
21 than 4.5 days of sentence credit for each month of his or
22 her sentence of imprisonment;

23 (iii) that a prisoner serving a sentence for home
24 invasion, armed robbery, aggravated vehicular hijacking,
25 aggravated discharge of a firearm, or armed violence with a
26 category I weapon or category II weapon, when the court has

1 made and entered a finding, pursuant to subsection (c-1) of
2 Section 5-4-1 of this Code, that the conduct leading to
3 conviction for the enumerated offense resulted in great
4 bodily harm to a victim, shall receive no more than 4.5
5 days of sentence credit for each month of his or her
6 sentence of imprisonment;

7 (iv) that a prisoner serving a sentence for aggravated
8 discharge of a firearm, whether or not the conduct leading
9 to conviction for the offense resulted in great bodily harm
10 to the victim, shall receive no more than 4.5 days of
11 sentence credit for each month of his or her sentence of
12 imprisonment;

13 (v) that a person serving a sentence for gunrunning,
14 narcotics racketeering, controlled substance trafficking,
15 methamphetamine trafficking, drug-induced homicide,
16 aggravated methamphetamine-related child endangerment,
17 money laundering pursuant to clause (c) (4) or (5) of
18 Section 29B-1 of the Criminal Code of 1961 or the Criminal
19 Code of 2012, or a Class X felony conviction for delivery
20 of a controlled substance, possession of a controlled
21 substance with intent to manufacture or deliver,
22 calculated criminal drug conspiracy, criminal drug
23 conspiracy, street gang criminal drug conspiracy,
24 participation in methamphetamine manufacturing, aggravated
25 participation in methamphetamine manufacturing, delivery
26 of methamphetamine, possession with intent to deliver

1 methamphetamine, aggravated delivery of methamphetamine,
2 aggravated possession with intent to deliver
3 methamphetamine, methamphetamine conspiracy when the
4 substance containing the controlled substance or
5 methamphetamine is 100 grams or more shall receive no more
6 than 7.5 days sentence credit for each month of his or her
7 sentence of imprisonment;

8 (vi) that a prisoner serving a sentence for a second or
9 subsequent offense of luring a minor shall receive no more
10 than 4.5 days of sentence credit for each month of his or
11 her sentence of imprisonment; ~~and~~

12 (vii) that a prisoner serving a sentence for aggravated
13 domestic battery shall receive no more than 4.5 days of
14 sentence credit for each month of his or her sentence of
15 imprisonment ; ~~and-~~

16 (viii) that a prisoner serving a sentence for a
17 violation of Section 24-1.1, 24-1.6, or 24-1.8 or
18 subsection 24-1(a)(4) or 24-1(a)(10) of the Criminal Code
19 of 2012 shall receive no more than 4.5 days of sentence
20 credit for each month of his or her sentence of
21 imprisonment.

22 (2.1) For all offenses, other than those enumerated in
23 subdivision (a)(2)(i), (ii), or (iii) committed on or after
24 June 19, 1998 or subdivision (a)(2)(iv) committed on or after
25 June 23, 2005 (the effective date of Public Act 94-71) or
26 subdivision (a)(2)(v) committed on or after August 13, 2007

1 (the effective date of Public Act 95-134) or subdivision
2 (a)(2)(vi) committed on or after June 1, 2008 (the effective
3 date of Public Act 95-625) or subdivision (a)(2)(vii) committed
4 on or after July 23, 2010 (the effective date of Public Act
5 96-1224), and other than the offense of aggravated driving
6 under the influence of alcohol, other drug or drugs, or
7 intoxicating compound or compounds, or any combination thereof
8 as defined in subparagraph (F) of paragraph (1) of subsection
9 (d) of Section 11-501 of the Illinois Vehicle Code, and other
10 than the offense of aggravated driving under the influence of
11 alcohol, other drug or drugs, or intoxicating compound or
12 compounds, or any combination thereof as defined in
13 subparagraph (C) of paragraph (1) of subsection (d) of Section
14 11-501 of the Illinois Vehicle Code committed on or after
15 January 1, 2011 (the effective date of Public Act 96-1230), the
16 rules and regulations shall provide that a prisoner who is
17 serving a term of imprisonment shall receive one day of
18 sentence credit for each day of his or her sentence of
19 imprisonment or recommitment under Section 3-3-9. Each day of
20 sentence credit shall reduce by one day the prisoner's period
21 of imprisonment or recommitment under Section 3-3-9.

22 (2.2) A prisoner serving a term of natural life
23 imprisonment or a prisoner who has been sentenced to death
24 shall receive no sentence credit.

25 (2.3) The rules and regulations on sentence credit shall
26 provide that a prisoner who is serving a sentence for

1 aggravated driving under the influence of alcohol, other drug
2 or drugs, or intoxicating compound or compounds, or any
3 combination thereof as defined in subparagraph (F) of paragraph
4 (1) of subsection (d) of Section 11-501 of the Illinois Vehicle
5 Code, shall receive no more than 4.5 days of sentence credit
6 for each month of his or her sentence of imprisonment.

7 (2.4) The rules and regulations on sentence credit shall
8 provide with respect to the offenses of aggravated battery with
9 a machine gun or a firearm equipped with any device or
10 attachment designed or used for silencing the report of a
11 firearm or aggravated discharge of a machine gun or a firearm
12 equipped with any device or attachment designed or used for
13 silencing the report of a firearm, committed on or after July
14 15, 1999 (the effective date of Public Act 91-121), that a
15 prisoner serving a sentence for any of these offenses shall
16 receive no more than 4.5 days of sentence credit for each month
17 of his or her sentence of imprisonment.

18 (2.5) The rules and regulations on sentence credit shall
19 provide that a prisoner who is serving a sentence for
20 aggravated arson committed on or after July 27, 2001 (the
21 effective date of Public Act 92-176) shall receive no more than
22 4.5 days of sentence credit for each month of his or her
23 sentence of imprisonment.

24 (2.6) The rules and regulations on sentence credit shall
25 provide that a prisoner who is serving a sentence for
26 aggravated driving under the influence of alcohol, other drug

1 or drugs, or intoxicating compound or compounds or any
2 combination thereof as defined in subparagraph (C) of paragraph
3 (1) of subsection (d) of Section 11-501 of the Illinois Vehicle
4 Code committed on or after January 1, 2011 (the effective date
5 of Public Act 96-1230) shall receive no more than 4.5 days of
6 sentence credit for each month of his or her sentence of
7 imprisonment.

8 (3) The rules and regulations shall also provide that the
9 Director may award up to 180 days additional sentence credit
10 for good conduct in specific instances as the Director deems
11 proper. The good conduct may include, but is not limited to,
12 compliance with the rules and regulations of the Department,
13 service to the Department, service to a community, or service
14 to the State. However, the Director shall not award more than
15 90 days of sentence credit for good conduct to any prisoner who
16 is serving a sentence for conviction of first degree murder,
17 reckless homicide while under the influence of alcohol or any
18 other drug, or aggravated driving under the influence of
19 alcohol, other drug or drugs, or intoxicating compound or
20 compounds, or any combination thereof as defined in
21 subparagraph (F) of paragraph (1) of subsection (d) of Section
22 11-501 of the Illinois Vehicle Code, aggravated kidnapping,
23 kidnapping, predatory criminal sexual assault of a child,
24 aggravated criminal sexual assault, criminal sexual assault,
25 deviate sexual assault, aggravated criminal sexual abuse,
26 aggravated indecent liberties with a child, indecent liberties

1 with a child, child pornography, heinous battery as described
2 in Section 12-4.1 or subdivision (a)(2) of Section 12-3.05,
3 aggravated battery of a spouse, aggravated battery of a spouse
4 with a firearm, stalking, aggravated stalking, aggravated
5 battery of a child as described in Section 12-4.3 or
6 subdivision (b)(1) of Section 12-3.05, endangering the life or
7 health of a child, or cruelty to a child. Notwithstanding the
8 foregoing, sentence credit for good conduct shall not be
9 awarded on a sentence of imprisonment imposed for conviction
10 of: (i) one of the offenses enumerated in subdivision
11 (a)(2)(i), (ii), or (iii) when the offense is committed on or
12 after June 19, 1998 or subdivision (a)(2)(iv) when the offense
13 is committed on or after June 23, 2005 (the effective date of
14 Public Act 94-71) or subdivision (a)(2)(v) when the offense is
15 committed on or after August 13, 2007 (the effective date of
16 Public Act 95-134) or subdivision (a)(2)(vi) when the offense
17 is committed on or after June 1, 2008 (the effective date of
18 Public Act 95-625) or subdivision (a)(2)(vii) when the offense
19 is committed on or after July 23, 2010 (the effective date of
20 Public Act 96-1224), (ii) aggravated driving under the
21 influence of alcohol, other drug or drugs, or intoxicating
22 compound or compounds, or any combination thereof as defined in
23 subparagraph (F) of paragraph (1) of subsection (d) of Section
24 11-501 of the Illinois Vehicle Code, (iii) one of the offenses
25 enumerated in subdivision (a)(2.4) when the offense is
26 committed on or after July 15, 1999 (the effective date of

1 Public Act 91-121), (iv) aggravated arson when the offense is
2 committed on or after July 27, 2001 (the effective date of
3 Public Act 92-176), (v) offenses that may subject the offender
4 to commitment under the Sexually Violent Persons Commitment
5 Act, or (vi) aggravated driving under the influence of alcohol,
6 other drug or drugs, or intoxicating compound or compounds or
7 any combination thereof as defined in subparagraph (C) of
8 paragraph (1) of subsection (d) of Section 11-501 of the
9 Illinois Vehicle Code committed on or after January 1, 2011
10 (the effective date of Public Act 96-1230).

11 Eligible inmates for an award of sentence credit under this
12 paragraph (3) may be selected to receive the credit at the
13 Director's or his or her designee's sole discretion.
14 Consideration may be based on, but not limited to, any
15 available risk assessment analysis on the inmate, any history
16 of conviction for violent crimes as defined by the Rights of
17 Crime Victims and Witnesses Act, facts and circumstances of the
18 inmate's holding offense or offenses, and the potential for
19 rehabilitation.

20 The Director shall not award sentence credit under this
21 paragraph (3) to an inmate unless the inmate has served a
22 minimum of 60 days of the sentence; except nothing in this
23 paragraph shall be construed to permit the Director to extend
24 an inmate's sentence beyond that which was imposed by the
25 court. Prior to awarding credit under this paragraph (3), the
26 Director shall make a written determination that the inmate:

1 (A) is eligible for the sentence credit;

2 (B) has served a minimum of 60 days, or as close to 60
3 days as the sentence will allow; and

4 (C) has met the eligibility criteria established by
5 rule.

6 The Director shall determine the form and content of the
7 written determination required in this subsection.

8 (3.5) The Department shall provide annual written reports
9 to the Governor and the General Assembly on the award of
10 sentence credit for good conduct, with the first report due
11 January 1, 2014. The Department must publish both reports on
12 its website within 48 hours of transmitting the reports to the
13 Governor and the General Assembly. The reports must include:

14 (A) the number of inmates awarded sentence credit for
15 good conduct;

16 (B) the average amount of sentence credit for good
17 conduct awarded;

18 (C) the holding offenses of inmates awarded sentence
19 credit for good conduct; and

20 (D) the number of sentence credit for good conduct
21 revocations.

22 (4) The rules and regulations shall also provide that the
23 sentence credit accumulated and retained under paragraph (2.1)
24 of subsection (a) of this Section by any inmate during specific
25 periods of time in which such inmate is engaged full-time in
26 substance abuse programs, correctional industry assignments,

1 educational programs, behavior modification programs, life
2 skills courses, or re-entry planning provided by the Department
3 under this paragraph (4) and satisfactorily completes the
4 assigned program as determined by the standards of the
5 Department, shall be multiplied by a factor of 1.25 for program
6 participation before August 11, 1993 and 1.50 for program
7 participation on or after that date. The rules and regulations
8 shall also provide that sentence credit, subject to the same
9 offense limits and multiplier provided in this paragraph, may
10 be provided to an inmate who was held in pre-trial detention
11 prior to his or her current commitment to the Department of
12 Corrections and successfully completed a full-time, 60-day or
13 longer substance abuse program, educational program, behavior
14 modification program, life skills course, or re-entry planning
15 provided by the county department of corrections or county
16 jail. Calculation of this county program credit shall be done
17 at sentencing as provided in Section 5-4.5-100 of this Code and
18 shall be included in the sentencing order. However, no inmate
19 shall be eligible for the additional sentence credit under this
20 paragraph (4) or (4.1) of this subsection (a) while assigned to
21 a boot camp or electronic detention, or if convicted of an
22 offense enumerated in subdivision (a)(2)(i), (ii), or (iii) of
23 this Section that is committed on or after June 19, 1998 or
24 subdivision (a)(2)(iv) of this Section that is committed on or
25 after June 23, 2005 (the effective date of Public Act 94-71) or
26 subdivision (a)(2)(v) of this Section that is committed on or

1 after August 13, 2007 (the effective date of Public Act 95-134)
2 or subdivision (a)(2)(vi) when the offense is committed on or
3 after June 1, 2008 (the effective date of Public Act 95-625) or
4 subdivision (a)(2)(vii) when the offense is committed on or
5 after July 23, 2010 (the effective date of Public Act 96-1224),
6 or if convicted of aggravated driving under the influence of
7 alcohol, other drug or drugs, or intoxicating compound or
8 compounds or any combination thereof as defined in subparagraph
9 (F) of paragraph (1) of subsection (d) of Section 11-501 of the
10 Illinois Vehicle Code, or if convicted of aggravated driving
11 under the influence of alcohol, other drug or drugs, or
12 intoxicating compound or compounds or any combination thereof
13 as defined in subparagraph (C) of paragraph (1) of subsection
14 (d) of Section 11-501 of the Illinois Vehicle Code committed on
15 or after January 1, 2011 (the effective date of Public Act
16 96-1230), or if convicted of an offense enumerated in paragraph
17 (a)(2.4) of this Section that is committed on or after July 15,
18 1999 (the effective date of Public Act 91-121), or first degree
19 murder, a Class X felony, criminal sexual assault, felony
20 criminal sexual abuse, aggravated criminal sexual abuse,
21 aggravated battery with a firearm as described in Section
22 12-4.2 or subdivision (e)(1), (e)(2), (e)(3), or (e)(4) of
23 Section 12-3.05, or any predecessor or successor offenses with
24 the same or substantially the same elements, or any inchoate
25 offenses relating to the foregoing offenses. No inmate shall be
26 eligible for the additional good conduct credit under this

1 paragraph (4) who (i) has previously received increased good
2 conduct credit under this paragraph (4) and has subsequently
3 been convicted of a felony, or (ii) has previously served more
4 than one prior sentence of imprisonment for a felony in an
5 adult correctional facility.

6 Educational, vocational, substance abuse, behavior
7 modification programs, life skills courses, re-entry planning,
8 and correctional industry programs under which sentence credit
9 may be increased under this paragraph (4) and paragraph (4.1)
10 of this subsection (a) shall be evaluated by the Department on
11 the basis of documented standards. The Department shall report
12 the results of these evaluations to the Governor and the
13 General Assembly by September 30th of each year. The reports
14 shall include data relating to the recidivism rate among
15 program participants.

16 Availability of these programs shall be subject to the
17 limits of fiscal resources appropriated by the General Assembly
18 for these purposes. Eligible inmates who are denied immediate
19 admission shall be placed on a waiting list under criteria
20 established by the Department. The inability of any inmate to
21 become engaged in any such programs by reason of insufficient
22 program resources or for any other reason established under the
23 rules and regulations of the Department shall not be deemed a
24 cause of action under which the Department or any employee or
25 agent of the Department shall be liable for damages to the
26 inmate.

1 (4.1) The rules and regulations shall also provide that an
2 additional 90 days of sentence credit shall be awarded to any
3 prisoner who passes high school equivalency testing while the
4 prisoner is committed to the Department of Corrections. The
5 sentence credit awarded under this paragraph (4.1) shall be in
6 addition to, and shall not affect, the award of sentence credit
7 under any other paragraph of this Section, but shall also be
8 pursuant to the guidelines and restrictions set forth in
9 paragraph (4) of subsection (a) of this Section. The sentence
10 credit provided for in this paragraph shall be available only
11 to those prisoners who have not previously earned a high school
12 diploma or a high school equivalency certificate. If, after an
13 award of the high school equivalency testing sentence credit
14 has been made, the Department determines that the prisoner was
15 not eligible, then the award shall be revoked. The Department
16 may also award 90 days of sentence credit to any committed
17 person who passed high school equivalency testing while he or
18 she was held in pre-trial detention prior to the current
19 commitment to the Department of Corrections.

20 (4.5) The rules and regulations on sentence credit shall
21 also provide that when the court's sentencing order recommends
22 a prisoner for substance abuse treatment and the crime was
23 committed on or after September 1, 2003 (the effective date of
24 Public Act 93-354), the prisoner shall receive no sentence
25 credit awarded under clause (3) of this subsection (a) unless
26 he or she participates in and completes a substance abuse

1 treatment program. The Director may waive the requirement to
2 participate in or complete a substance abuse treatment program
3 and award the sentence credit in specific instances if the
4 prisoner is not a good candidate for a substance abuse
5 treatment program for medical, programming, or operational
6 reasons. Availability of substance abuse treatment shall be
7 subject to the limits of fiscal resources appropriated by the
8 General Assembly for these purposes. If treatment is not
9 available and the requirement to participate and complete the
10 treatment has not been waived by the Director, the prisoner
11 shall be placed on a waiting list under criteria established by
12 the Department. The Director may allow a prisoner placed on a
13 waiting list to participate in and complete a substance abuse
14 education class or attend substance abuse self-help meetings in
15 lieu of a substance abuse treatment program. A prisoner on a
16 waiting list who is not placed in a substance abuse program
17 prior to release may be eligible for a waiver and receive
18 sentence credit under clause (3) of this subsection (a) at the
19 discretion of the Director.

20 (4.6) The rules and regulations on sentence credit shall
21 also provide that a prisoner who has been convicted of a sex
22 offense as defined in Section 2 of the Sex Offender
23 Registration Act shall receive no sentence credit unless he or
24 she either has successfully completed or is participating in
25 sex offender treatment as defined by the Sex Offender
26 Management Board. However, prisoners who are waiting to receive

1 treatment, but who are unable to do so due solely to the lack
2 of resources on the part of the Department, may, at the
3 Director's sole discretion, be awarded sentence credit at a
4 rate as the Director shall determine.

5 (5) Whenever the Department is to release any inmate
6 earlier than it otherwise would because of a grant of sentence
7 credit for good conduct under paragraph (3) of subsection (a)
8 of this Section given at any time during the term, the
9 Department shall give reasonable notice of the impending
10 release not less than 14 days prior to the date of the release
11 to the State's Attorney of the county where the prosecution of
12 the inmate took place, and if applicable, the State's Attorney
13 of the county into which the inmate will be released. The
14 Department must also make identification information and a
15 recent photo of the inmate being released accessible on the
16 Internet by means of a hyperlink labeled "Community
17 Notification of Inmate Early Release" on the Department's World
18 Wide Web homepage. The identification information shall
19 include the inmate's: name, any known alias, date of birth,
20 physical characteristics, commitment offense and county where
21 conviction was imposed. The identification information shall
22 be placed on the website within 3 days of the inmate's release
23 and the information may not be removed until either: completion
24 of the first year of mandatory supervised release or return of
25 the inmate to custody of the Department.

26 (b) Whenever a person is or has been committed under

1 several convictions, with separate sentences, the sentences
2 shall be construed under Section 5-8-4 in granting and
3 forfeiting of sentence credit.

4 (c) The Department shall prescribe rules and regulations
5 for revoking sentence credit, including revoking sentence
6 credit awarded for good conduct under paragraph (3) of
7 subsection (a) of this Section. The Department shall prescribe
8 rules and regulations for suspending or reducing the rate of
9 accumulation of sentence credit for specific rule violations,
10 during imprisonment. These rules and regulations shall provide
11 that no inmate may be penalized more than one year of sentence
12 credit for any one infraction.

13 When the Department seeks to revoke, suspend or reduce the
14 rate of accumulation of any sentence credits for an alleged
15 infraction of its rules, it shall bring charges therefor
16 against the prisoner sought to be so deprived of sentence
17 credits before the Prisoner Review Board as provided in
18 subparagraph (a)(4) of Section 3-3-2 of this Code, if the
19 amount of credit at issue exceeds 30 days or when during any 12
20 month period, the cumulative amount of credit revoked exceeds
21 30 days except where the infraction is committed or discovered
22 within 60 days of scheduled release. In those cases, the
23 Department of Corrections may revoke up to 30 days of sentence
24 credit. The Board may subsequently approve the revocation of
25 additional sentence credit, if the Department seeks to revoke
26 sentence credit in excess of 30 days. However, the Board shall

1 not be empowered to review the Department's decision with
2 respect to the loss of 30 days of sentence credit within any
3 calendar year for any prisoner or to increase any penalty
4 beyond the length requested by the Department.

5 The Director of the Department of Corrections, in
6 appropriate cases, may restore up to 30 days of sentence
7 credits which have been revoked, suspended or reduced. Any
8 restoration of sentence credits in excess of 30 days shall be
9 subject to review by the Prisoner Review Board. However, the
10 Board may not restore sentence credit in excess of the amount
11 requested by the Director.

12 Nothing contained in this Section shall prohibit the
13 Prisoner Review Board from ordering, pursuant to Section
14 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the
15 sentence imposed by the court that was not served due to the
16 accumulation of sentence credit.

17 (d) If a lawsuit is filed by a prisoner in an Illinois or
18 federal court against the State, the Department of Corrections,
19 or the Prisoner Review Board, or against any of their officers
20 or employees, and the court makes a specific finding that a
21 pleading, motion, or other paper filed by the prisoner is
22 frivolous, the Department of Corrections shall conduct a
23 hearing to revoke up to 180 days of sentence credit by bringing
24 charges against the prisoner sought to be deprived of the
25 sentence credits before the Prisoner Review Board as provided
26 in subparagraph (a)(8) of Section 3-3-2 of this Code. If the

1 prisoner has not accumulated 180 days of sentence credit at the
2 time of the finding, then the Prisoner Review Board may revoke
3 all sentence credit accumulated by the prisoner.

4 For purposes of this subsection (d):

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

9 (A) it lacks an arguable basis either in law or in
10 fact;

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

14 (C) the claims, defenses, and other legal
15 contentions therein are not warranted by existing law
16 or by a nonfrivolous argument for the extension,
17 modification, or reversal of existing law or the
18 establishment of new law;

19 (D) the allegations and other factual contentions
20 do not have evidentiary support or, if specifically so
21 identified, are not likely to have evidentiary support
22 after a reasonable opportunity for further
23 investigation or discovery; or

24 (E) the denials of factual contentions are not
25 warranted on the evidence, or if specifically so
26 identified, are not reasonably based on a lack of

1 information or belief.

2 (2) "Lawsuit" means a motion pursuant to Section 116-3
3 of 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, an action under the federal
7 Civil Rights Act (42 U.S.C. 1983), or a second or
8 subsequent petition for post-conviction relief under
9 Article 122 of the Code of Criminal Procedure of 1963
10 whether filed with or without leave of court or a second or
11 subsequent petition for relief from judgment under Section
12 2-1401 of the Code of Civil Procedure.

13 (e) Nothing in Public Act 90-592 or 90-593 affects the
14 validity of Public Act 89-404.

15 (f) Whenever the Department is to release any inmate who
16 has been convicted of a violation of an order of protection
17 under Section 12-3.4 or 12-30 of the Criminal Code of 1961 or
18 the Criminal Code of 2012, earlier than it otherwise would
19 because of a grant of sentence credit, the Department, as a
20 condition of release, shall require that the person, upon
21 release, be placed under electronic surveillance as provided in
22 Section 5-8A-7 of this Code.

23 (Source: P.A. 98-718, eff. 1-1-15; 99-241, eff. 1-1-16; 99-275,
24 eff. 1-1-16; 99-642, eff. 7-28-16.)

25 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

1 Sec. 5-5-3. Disposition.

2 (a) (Blank).

3 (b) (Blank).

4 (c) (1) (Blank).

5 (2) A period of probation, a term of periodic imprisonment
6 or conditional discharge shall not be imposed for the following
7 offenses. The court shall sentence the offender to not less
8 than the minimum term of imprisonment set forth in this Code
9 for the following offenses, and may order a fine or restitution
10 or both in conjunction with such term of imprisonment:

11 (A) First degree murder where the death penalty is not
12 imposed.

13 (B) Attempted first degree murder.

14 (C) A Class X felony.

15 (D) A violation of Section 401.1 or 407 of the Illinois
16 Controlled Substances Act, or a violation of subdivision
17 (c)(1.5) or (c)(2) of Section 401 of that Act which relates
18 to more than 5 grams of a substance containing cocaine,
19 fentanyl, or an analog thereof.

20 (D-5) A violation of subdivision (c)(1) of Section 401
21 of the Illinois Controlled Substances Act which relates to
22 3 or more grams of a substance containing heroin or an
23 analog thereof.

24 (E) A violation of Section 5.1 or 9 of the Cannabis
25 Control Act.

26 (F) A Class 2 or greater felony if the offender had

1 been convicted of a Class 2 or greater felony, including
2 any state or federal conviction for an offense that
3 contained, at the time it was committed, the same elements
4 as an offense now (the date of the offense committed after
5 the prior Class 2 or greater felony) classified as a Class
6 2 or greater felony, within 10 years of the date on which
7 the offender committed the offense for which he or she is
8 being sentenced, except as otherwise provided in Section
9 40-10 of the Alcoholism and Other Drug Abuse and Dependency
10 Act.

11 (F-5) A violation of Section 24-1, 24-1.1, ~~or~~ 24-1.6,
12 or 24-1.8 of the Criminal Code of 1961 or the Criminal Code
13 of 2012 for which imprisonment is prescribed in those
14 Sections.

15 (G) Residential burglary, except as otherwise provided
16 in Section 40-10 of the Alcoholism and Other Drug Abuse and
17 Dependency Act.

18 (H) Criminal sexual assault.

19 (I) Aggravated battery of a senior citizen as described
20 in Section 12-4.6 or subdivision (a) (4) of Section 12-3.05
21 of the Criminal Code of 1961 or the Criminal Code of 2012.

22 (J) A forcible felony if the offense was related to the
23 activities of an organized gang.

24 Before July 1, 1994, for the purposes of this
25 paragraph, "organized gang" means an association of 5 or
26 more persons, with an established hierarchy, that

1 encourages members of the association to perpetrate crimes
2 or provides support to the members of the association who
3 do commit crimes.

4 Beginning July 1, 1994, for the purposes of this
5 paragraph, "organized gang" has the meaning ascribed to it
6 in Section 10 of the Illinois Streetgang Terrorism Omnibus
7 Prevention Act.

8 (K) Vehicular hijacking.

9 (L) A second or subsequent conviction for the offense
10 of hate crime when the underlying offense upon which the
11 hate crime is based is felony aggravated assault or felony
12 mob action.

13 (M) A second or subsequent conviction for the offense
14 of institutional vandalism if the damage to the property
15 exceeds \$300.

16 (N) A Class 3 felony violation of paragraph (1) of
17 subsection (a) of Section 2 of the Firearm Owners
18 Identification Card Act.

19 (O) A violation of Section 12-6.1 or 12-6.5 of the
20 Criminal Code of 1961 or the Criminal Code of 2012.

21 (P) A violation of paragraph (1), (2), (3), (4), (5),
22 or (7) of subsection (a) of Section 11-20.1 of the Criminal
23 Code of 1961 or the Criminal Code of 2012.

24 (Q) A violation of subsection (b) or (b-5) of Section
25 20-1, Section 20-1.2, or Section 20-1.3 of the Criminal
26 Code of 1961 or the Criminal Code of 2012.

1 (R) A violation of Section 24-3A of the Criminal Code
2 of 1961 or the Criminal Code of 2012.

3 (S) (Blank).

4 (T) A second or subsequent violation of the
5 Methamphetamine Control and Community Protection Act.

6 (U) A second or subsequent violation of Section 6-303
7 of the Illinois Vehicle Code committed while his or her
8 driver's license, permit, or privilege was revoked because
9 of a violation of Section 9-3 of the Criminal Code of 1961
10 or the Criminal Code of 2012, relating to the offense of
11 reckless homicide, or a similar provision of a law of
12 another state.

13 (V) A violation of paragraph (4) of subsection (c) of
14 Section 11-20.1B or paragraph (4) of subsection (c) of
15 Section 11-20.3 of the Criminal Code of 1961, or paragraph
16 (6) of subsection (a) of Section 11-20.1 of the Criminal
17 Code of 2012 when the victim is under 13 years of age and
18 the defendant has previously been convicted under the laws
19 of this State or any other state of the offense of child
20 pornography, aggravated child pornography, aggravated
21 criminal sexual abuse, aggravated criminal sexual assault,
22 predatory criminal sexual assault of a child, or any of the
23 offenses formerly known as rape, deviate sexual assault,
24 indecent liberties with a child, or aggravated indecent
25 liberties with a child where the victim was under the age
26 of 18 years or an offense that is substantially equivalent

1 to those offenses.

2 (W) A violation of Section 24-3.5 of the Criminal Code
3 of 1961 or the Criminal Code of 2012.

4 (X) A violation of subsection (a) of Section 31-1a of
5 the Criminal Code of 1961 or the Criminal Code of 2012.

6 (Y) A conviction for unlawful possession of a firearm
7 by a street gang member when the firearm was loaded or
8 contained firearm ammunition.

9 (Z) A Class 1 felony committed while he or she was
10 serving a term of probation or conditional discharge for a
11 felony.

12 (AA) Theft of property exceeding \$500,000 and not
13 exceeding \$1,000,000 in value.

14 (BB) Laundering of criminally derived property of a
15 value exceeding \$500,000.

16 (CC) Knowingly selling, offering for sale, holding for
17 sale, or using 2,000 or more counterfeit items or
18 counterfeit items having a retail value in the aggregate of
19 \$500,000 or more.

20 (DD) A conviction for aggravated assault under
21 paragraph (6) of subsection (c) of Section 12-2 of the
22 Criminal Code of 1961 or the Criminal Code of 2012 if the
23 firearm is aimed toward the person against whom the firearm
24 is being used.

25 (EE) A conviction for a violation of paragraph (2) of
26 subsection (a) of Section 24-3B of the Criminal Code of

1 2012.

2 (3) (Blank).

3 (4) A minimum term of imprisonment of not less than 10
4 consecutive days or 30 days of community service shall be
5 imposed for a violation of paragraph (c) of Section 6-303 of
6 the Illinois Vehicle Code.

7 (4.1) (Blank).

8 (4.2) Except as provided in paragraphs (4.3) and (4.8) of
9 this subsection (c), a minimum of 100 hours of community
10 service shall be imposed for a second violation of Section
11 6-303 of the Illinois Vehicle Code.

12 (4.3) A minimum term of imprisonment of 30 days or 300
13 hours of community service, as determined by the court, shall
14 be imposed for a second violation of subsection (c) of Section
15 6-303 of the Illinois Vehicle Code.

16 (4.4) Except as provided in paragraphs (4.5), (4.6), and
17 (4.9) of this subsection (c), a minimum term of imprisonment of
18 30 days or 300 hours of community service, as determined by the
19 court, shall be imposed for a third or subsequent violation of
20 Section 6-303 of the Illinois Vehicle Code.

21 (4.5) A minimum term of imprisonment of 30 days shall be
22 imposed for a third violation of subsection (c) of Section
23 6-303 of the Illinois Vehicle Code.

24 (4.6) Except as provided in paragraph (4.10) of this
25 subsection (c), a minimum term of imprisonment of 180 days
26 shall be imposed for a fourth or subsequent violation of

1 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

2 (4.7) A minimum term of imprisonment of not less than 30
3 consecutive days, or 300 hours of community service, shall be
4 imposed for a violation of subsection (a-5) of Section 6-303 of
5 the Illinois Vehicle Code, as provided in subsection (b-5) of
6 that Section.

7 (4.8) A mandatory prison sentence shall be imposed for a
8 second violation of subsection (a-5) of Section 6-303 of the
9 Illinois Vehicle Code, as provided in subsection (c-5) of that
10 Section. The person's driving privileges shall be revoked for a
11 period of not less than 5 years from the date of his or her
12 release from prison.

13 (4.9) A mandatory prison sentence of not less than 4 and
14 not more than 15 years shall be imposed for a third violation
15 of subsection (a-5) of Section 6-303 of the Illinois Vehicle
16 Code, as provided in subsection (d-2.5) of that Section. The
17 person's driving privileges shall be revoked for the remainder
18 of his or her life.

19 (4.10) A mandatory prison sentence for a Class 1 felony
20 shall be imposed, and the person shall be eligible for an
21 extended term sentence, for a fourth or subsequent violation of
22 subsection (a-5) of Section 6-303 of the Illinois Vehicle Code,
23 as provided in subsection (d-3.5) of that Section. The person's
24 driving privileges shall be revoked for the remainder of his or
25 her life.

26 (5) The court may sentence a corporation or unincorporated

1 association convicted of any offense to:

2 (A) a period of conditional discharge;

3 (B) a fine;

4 (C) make restitution to the victim under Section 5-5-6
5 of this Code.

6 (5.1) In addition to any other penalties imposed, and
7 except as provided in paragraph (5.2) or (5.3), a person
8 convicted of violating subsection (c) of Section 11-907 of the
9 Illinois Vehicle Code shall have his or her driver's license,
10 permit, or privileges suspended for at least 90 days but not
11 more than one year, if the violation resulted in damage to the
12 property of another person.

13 (5.2) In addition to any other penalties imposed, and
14 except as provided in paragraph (5.3), a person convicted of
15 violating subsection (c) of Section 11-907 of the Illinois
16 Vehicle Code shall have his or her driver's license, permit, or
17 privileges suspended for at least 180 days but not more than 2
18 years, if the violation resulted in injury to another person.

19 (5.3) In addition to any other penalties imposed, a person
20 convicted of violating subsection (c) of Section 11-907 of the
21 Illinois Vehicle Code shall have his or her driver's license,
22 permit, or privileges suspended for 2 years, if the violation
23 resulted in the death of another person.

24 (5.4) In addition to any other penalties imposed, a person
25 convicted of violating Section 3-707 of the Illinois Vehicle
26 Code shall have his or her driver's license, permit, or

1 privileges suspended for 3 months and until he or she has paid
2 a reinstatement fee of \$100.

3 (5.5) In addition to any other penalties imposed, a person
4 convicted of violating Section 3-707 of the Illinois Vehicle
5 Code during a period in which his or her driver's license,
6 permit, or privileges were suspended for a previous violation
7 of that Section shall have his or her driver's license, permit,
8 or privileges suspended for an additional 6 months after the
9 expiration of the original 3-month suspension and until he or
10 she has paid a reinstatement fee of \$100.

11 (6) (Blank).

12 (7) (Blank).

13 (8) (Blank).

14 (9) A defendant convicted of a second or subsequent offense
15 of ritualized abuse of a child may be sentenced to a term of
16 natural life imprisonment.

17 (10) (Blank).

18 (11) The court shall impose a minimum fine of \$1,000 for a
19 first offense and \$2,000 for a second or subsequent offense
20 upon a person convicted of or placed on supervision for battery
21 when the individual harmed was a sports official or coach at
22 any level of competition and the act causing harm to the sports
23 official or coach occurred within an athletic facility or
24 within the immediate vicinity of the athletic facility at which
25 the sports official or coach was an active participant of the
26 athletic contest held at the athletic facility. For the

1 purposes of this paragraph (11), "sports official" means a
2 person at an athletic contest who enforces the rules of the
3 contest, such as an umpire or referee; "athletic facility"
4 means an indoor or outdoor playing field or recreational area
5 where sports activities are conducted; and "coach" means a
6 person recognized as a coach by the sanctioning authority that
7 conducted the sporting event.

8 (12) A person may not receive a disposition of court
9 supervision for a violation of Section 5-16 of the Boat
10 Registration and Safety Act if that person has previously
11 received a disposition of court supervision for a violation of
12 that Section.

13 (13) A person convicted of or placed on court supervision
14 for an assault or aggravated assault when the victim and the
15 offender are family or household members as defined in Section
16 103 of the Illinois Domestic Violence Act of 1986 or convicted
17 of domestic battery or aggravated domestic battery may be
18 required to attend a Partner Abuse Intervention Program under
19 protocols set forth by the Illinois Department of Human
20 Services under such terms and conditions imposed by the court.
21 The costs of such classes shall be paid by the offender.

22 (d) In any case in which a sentence originally imposed is
23 vacated, the case shall be remanded to the trial court. The
24 trial court shall hold a hearing under Section 5-4-1 of the
25 Unified Code of Corrections which may include evidence of the
26 defendant's life, moral character and occupation during the

1 time since the original sentence was passed. The trial court
2 shall then impose sentence upon the defendant. The trial court
3 may impose any sentence which could have been imposed at the
4 original trial subject to Section 5-5-4 of the Unified Code of
5 Corrections. If a sentence is vacated on appeal or on
6 collateral attack due to the failure of the trier of fact at
7 trial to determine beyond a reasonable doubt the existence of a
8 fact (other than a prior conviction) necessary to increase the
9 punishment for the offense beyond the statutory maximum
10 otherwise applicable, either the defendant may be re-sentenced
11 to a term within the range otherwise provided or, if the State
12 files notice of its intention to again seek the extended
13 sentence, the defendant shall be afforded a new trial.

14 (e) In cases where prosecution for aggravated criminal
15 sexual abuse under Section 11-1.60 or 12-16 of the Criminal
16 Code of 1961 or the Criminal Code of 2012 results in conviction
17 of a defendant who was a family member of the victim at the
18 time of the commission of the offense, the court shall consider
19 the safety and welfare of the victim and may impose a sentence
20 of probation only where:

21 (1) the court finds (A) or (B) or both are appropriate:

22 (A) the defendant is willing to undergo a court
23 approved counseling program for a minimum duration of 2
24 years; or

25 (B) the defendant is willing to participate in a
26 court approved plan including but not limited to the

1 defendant's:

2 (i) removal from the household;

3 (ii) restricted contact with the victim;

4 (iii) continued financial support of the
5 family;

6 (iv) restitution for harm done to the victim;

7 and

8 (v) compliance with any other measures that
9 the court may deem appropriate; and

10 (2) the court orders the defendant to pay for the
11 victim's counseling services, to the extent that the court
12 finds, after considering the defendant's income and
13 assets, that the defendant is financially capable of paying
14 for such services, if the victim was under 18 years of age
15 at the time the offense was committed and requires
16 counseling as a result of the offense.

17 Probation may be revoked or modified pursuant to Section
18 5-6-4; except where the court determines at the hearing that
19 the defendant violated a condition of his or her probation
20 restricting contact with the victim or other family members or
21 commits another offense with the victim or other family
22 members, the court shall revoke the defendant's probation and
23 impose a term of imprisonment.

24 For the purposes of this Section, "family member" and
25 "victim" shall have the meanings ascribed to them in Section
26 11-0.1 of the Criminal Code of 2012.

1 (f) (Blank).

2 (g) Whenever a defendant is convicted of an offense under
3 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,
4 11-14.3, 11-14.4 except for an offense that involves keeping a
5 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,
6 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,
7 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the
8 Criminal Code of 2012, the defendant shall undergo medical
9 testing to determine whether the defendant has any sexually
10 transmissible disease, including a test for infection with
11 human immunodeficiency virus (HIV) or any other identified
12 causative agent of acquired immunodeficiency syndrome (AIDS).
13 Any such medical test shall be performed only by appropriately
14 licensed medical practitioners and may include an analysis of
15 any bodily fluids as well as an examination of the defendant's
16 person. Except as otherwise provided by law, the results of
17 such test shall be kept strictly confidential by all medical
18 personnel involved in the testing and must be personally
19 delivered in a sealed envelope to the judge of the court in
20 which the conviction was entered for the judge's inspection in
21 camera. Acting in accordance with the best interests of the
22 victim and the public, the judge shall have the discretion to
23 determine to whom, if anyone, the results of the testing may be
24 revealed. The court shall notify the defendant of the test
25 results. The court shall also notify the victim if requested by
26 the victim, and if the victim is under the age of 15 and if

1 requested by the victim's parents or legal guardian, the court
2 shall notify the victim's parents or legal guardian of the test
3 results. The court shall provide information on the
4 availability of HIV testing and counseling at Department of
5 Public Health facilities to all parties to whom the results of
6 the testing are revealed and shall direct the State's Attorney
7 to provide the information to the victim when possible. A
8 State's Attorney may petition the court to obtain the results
9 of any HIV test administered under this Section, and the court
10 shall grant the disclosure if the State's Attorney shows it is
11 relevant in order to prosecute a charge of criminal
12 transmission of HIV under Section 12-5.01 or 12-16.2 of the
13 Criminal Code of 1961 or the Criminal Code of 2012 against the
14 defendant. The court shall order that the cost of any such test
15 shall be paid by the county and may be taxed as costs against
16 the convicted defendant.

17 (g-5) When an inmate is tested for an airborne communicable
18 disease, as determined by the Illinois Department of Public
19 Health including but not limited to tuberculosis, the results
20 of the test shall be personally delivered by the warden or his
21 or her designee in a sealed envelope to the judge of the court
22 in which the inmate must appear for the judge's inspection in
23 camera if requested by the judge. Acting in accordance with the
24 best interests of those in the courtroom, the judge shall have
25 the discretion to determine what if any precautions need to be
26 taken to prevent transmission of the disease in the courtroom.

1 (h) Whenever a defendant is convicted of an offense under
2 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
3 defendant shall undergo medical testing to determine whether
4 the defendant has been exposed to human immunodeficiency virus
5 (HIV) or any other identified causative agent of acquired
6 immunodeficiency syndrome (AIDS). Except as otherwise provided
7 by law, the results of such test shall be kept strictly
8 confidential by all medical personnel involved in the testing
9 and must be personally delivered in a sealed envelope to the
10 judge of the court in which the conviction was entered for the
11 judge's inspection in camera. Acting in accordance with the
12 best interests of the public, the judge shall have the
13 discretion to determine to whom, if anyone, the results of the
14 testing may be revealed. The court shall notify the defendant
15 of a positive test showing an infection with the human
16 immunodeficiency virus (HIV). The court shall provide
17 information on the availability of HIV testing and counseling
18 at Department of Public Health facilities to all parties to
19 whom the results of the testing are revealed and shall direct
20 the State's Attorney to provide the information to the victim
21 when possible. A State's Attorney may petition the court to
22 obtain the results of any HIV test administered under this
23 Section, and the court shall grant the disclosure if the
24 State's Attorney shows it is relevant in order to prosecute a
25 charge of criminal transmission of HIV under Section 12-5.01 or
26 12-16.2 of the Criminal Code of 1961 or the Criminal Code of

1 2012 against the defendant. The court shall order that the cost
2 of any such test shall be paid by the county and may be taxed as
3 costs against the convicted defendant.

4 (i) All fines and penalties imposed under this Section for
5 any violation of Chapters 3, 4, 6, and 11 of the Illinois
6 Vehicle Code, or a similar provision of a local ordinance, and
7 any violation of the Child Passenger Protection Act, or a
8 similar provision of a local ordinance, shall be collected and
9 disbursed by the circuit clerk as provided under Section 27.5
10 of the Clerks of Courts Act.

11 (j) In cases when prosecution for any violation of Section
12 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,
13 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,
14 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
15 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,
16 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal
17 Code of 2012, any violation of the Illinois Controlled
18 Substances Act, any violation of the Cannabis Control Act, or
19 any violation of the Methamphetamine Control and Community
20 Protection Act results in conviction, a disposition of court
21 supervision, or an order of probation granted under Section 10
22 of the Cannabis Control Act, Section 410 of the Illinois
23 Controlled Substances Act, or Section 70 of the Methamphetamine
24 Control and Community Protection Act of a defendant, the court
25 shall determine whether the defendant is employed by a facility
26 or center as defined under the Child Care Act of 1969, a public

1 or private elementary or secondary school, or otherwise works
2 with children under 18 years of age on a daily basis. When a
3 defendant is so employed, the court shall order the Clerk of
4 the Court to send a copy of the judgment of conviction or order
5 of supervision or probation to the defendant's employer by
6 certified mail. If the employer of the defendant is a school,
7 the Clerk of the Court shall direct the mailing of a copy of
8 the judgment of conviction or order of supervision or probation
9 to the appropriate regional superintendent of schools. The
10 regional superintendent of schools shall notify the State Board
11 of Education of any notification under this subsection.

12 (j-5) A defendant at least 17 years of age who is convicted
13 of a felony and who has not been previously convicted of a
14 misdemeanor or felony and who is sentenced to a term of
15 imprisonment in the Illinois Department of Corrections shall as
16 a condition of his or her sentence be required by the court to
17 attend educational courses designed to prepare the defendant
18 for a high school diploma and to work toward a high school
19 diploma or to work toward passing high school equivalency
20 testing or to work toward completing a vocational training
21 program offered by the Department of Corrections. If a
22 defendant fails to complete the educational training required
23 by his or her sentence during the term of incarceration, the
24 Prisoner Review Board shall, as a condition of mandatory
25 supervised release, require the defendant, at his or her own
26 expense, to pursue a course of study toward a high school

1 diploma or passage of high school equivalency testing. The
2 Prisoner Review Board shall revoke the mandatory supervised
3 release of a defendant who wilfully fails to comply with this
4 subsection (j-5) upon his or her release from confinement in a
5 penal institution while serving a mandatory supervised release
6 term; however, the inability of the defendant after making a
7 good faith effort to obtain financial aid or pay for the
8 educational training shall not be deemed a wilful failure to
9 comply. The Prisoner Review Board shall recommit the defendant
10 whose mandatory supervised release term has been revoked under
11 this subsection (j-5) as provided in Section 3-3-9. This
12 subsection (j-5) does not apply to a defendant who has a high
13 school diploma or has successfully passed high school
14 equivalency testing. This subsection (j-5) does not apply to a
15 defendant who is determined by the court to be a person with a
16 developmental disability or otherwise mentally incapable of
17 completing the educational or vocational program.

18 (k) (Blank).

19 (l) (A) Except as provided in paragraph (C) of subsection
20 (l), whenever a defendant, who is an alien as defined by the
21 Immigration and Nationality Act, is convicted of any felony or
22 misdemeanor offense, the court after sentencing the defendant
23 may, upon motion of the State's Attorney, hold sentence in
24 abeyance and remand the defendant to the custody of the
25 Attorney General of the United States or his or her designated
26 agent to be deported when:

1 (1) a final order of deportation has been issued
2 against the defendant pursuant to proceedings under the
3 Immigration and Nationality Act, and

4 (2) the deportation of the defendant would not
5 deprecate the seriousness of the defendant's conduct and
6 would not be inconsistent with the ends of justice.

7 Otherwise, the defendant shall be sentenced as provided in
8 this Chapter V.

9 (B) If the defendant has already been sentenced for a
10 felony or misdemeanor offense, or has been placed on probation
11 under Section 10 of the Cannabis Control Act, Section 410 of
12 the Illinois Controlled Substances Act, or Section 70 of the
13 Methamphetamine Control and Community Protection Act, the
14 court may, upon motion of the State's Attorney to suspend the
15 sentence imposed, commit the defendant to the custody of the
16 Attorney General of the United States or his or her designated
17 agent when:

18 (1) a final order of deportation has been issued
19 against the defendant pursuant to proceedings under the
20 Immigration and Nationality Act, and

21 (2) the deportation of the defendant would not
22 deprecate the seriousness of the defendant's conduct and
23 would not be inconsistent with the ends of justice.

24 (C) This subsection (1) does not apply to offenders who are
25 subject to the provisions of paragraph (2) of subsection (a) of
26 Section 3-6-3.

1 (D) Upon motion of the State's Attorney, if a defendant
2 sentenced under this Section returns to the jurisdiction of the
3 United States, the defendant shall be recommitted to the
4 custody of the county from which he or she was sentenced.
5 Thereafter, the defendant shall be brought before the
6 sentencing court, which may impose any sentence that was
7 available under Section 5-5-3 at the time of initial
8 sentencing. In addition, the defendant shall not be eligible
9 for additional sentence credit for good conduct as provided
10 under Section 3-6-3.

11 (m) A person convicted of criminal defacement of property
12 under Section 21-1.3 of the Criminal Code of 1961 or the
13 Criminal Code of 2012, in which the property damage exceeds
14 \$300 and the property damaged is a school building, shall be
15 ordered to perform community service that may include cleanup,
16 removal, or painting over the defacement.

17 (n) The court may sentence a person convicted of a
18 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or
19 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
20 of 1961 or the Criminal Code of 2012 (i) to an impact
21 incarceration program if the person is otherwise eligible for
22 that program under Section 5-8-1.1, (ii) to community service,
23 or (iii) if the person is an addict or alcoholic, as defined in
24 the Alcoholism and Other Drug Abuse and Dependency Act, to a
25 substance or alcohol abuse program licensed under that Act.

26 (o) Whenever a person is convicted of a sex offense as

1 defined in Section 2 of the Sex Offender Registration Act, the
2 defendant's driver's license or permit shall be subject to
3 renewal on an annual basis in accordance with the provisions of
4 license renewal established by the Secretary of State.

5 (Source: P.A. 98-718, eff. 1-1-15; 98-756, eff. 7-16-14;
6 99-143, eff. 7-27-15; 99-885, eff. 8-23-16.)

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