



Sen. Kwame Raoul

**Filed: 4/6/2017**

10000SB1722sam004

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1 AMENDMENT TO SENATE BILL 1722

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1722 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. This Act may be referred to as the Safe  
5 Neighborhoods Reform Act.

6 Section 5. The Criminal Identification Act is amended by  
7 changing Section 2.1 as follows:

8 (20 ILCS 2630/2.1) (from Ch. 38, par. 206-2.1)

9 Sec. 2.1. For the purpose of maintaining complete and  
10 accurate criminal records of the Department of State Police, it  
11 is necessary for all policing bodies of this State, the clerk  
12 of the circuit court, the Illinois Department of Corrections,  
13 the sheriff of each county, and State's Attorney of each county  
14 to submit certain criminal arrest, charge, and disposition  
15 information to the Department for filing at the earliest time

1 possible. Unless otherwise noted herein, it shall be the duty  
2 of all policing bodies of this State, the clerk of the circuit  
3 court, the Illinois Department of Corrections, the sheriff of  
4 each county, and the State's Attorney of each county to report  
5 such information as provided in this Section, both in the form  
6 and manner required by the Department and within 30 days of the  
7 criminal history event. Specifically:

8 (a) Arrest Information. All agencies making arrests for  
9 offenses which are required by statute to be collected,  
10 maintained or disseminated by the Department of State Police  
11 shall be responsible for furnishing daily to the Department  
12 fingerprints, charges and descriptions of all persons who are  
13 arrested for such offenses. All such agencies shall also notify  
14 the Department of all decisions by the arresting agency not to  
15 refer such arrests for prosecution. With approval of the  
16 Department, an agency making such arrests may enter into  
17 arrangements with other agencies for the purpose of furnishing  
18 daily such fingerprints, charges and descriptions to the  
19 Department upon its behalf.

20 (b) Charge Information. The State's Attorney of each county  
21 shall notify the Department of all charges filed and all  
22 petitions filed alleging that a minor is delinquent, including  
23 all those added subsequent to the filing of a case, and whether  
24 charges were not filed in cases for which the Department has  
25 received information required to be reported pursuant to  
26 paragraph (a) of this Section. With approval of the Department,

1 the State's Attorney may enter into arrangements with other  
2 agencies for the purpose of furnishing the information required  
3 by this subsection (b) to the Department upon the State's  
4 Attorney's behalf.

5 (c) Disposition Information. The clerk of the circuit court  
6 of each county shall furnish the Department, in the form and  
7 manner required by the Supreme Court, with all final  
8 dispositions of cases for which the Department has received  
9 information required to be reported pursuant to paragraph (a)  
10 or (d) of this Section. Such information shall include, for  
11 each charge, all (1) judgments of not guilty, judgments of  
12 guilty including the sentence pronounced by the court with  
13 statutory citations to the relevant sentencing provision,  
14 findings that a minor is delinquent and any sentence made based  
15 on those findings, discharges and dismissals in the court; (2)  
16 reviewing court orders filed with the clerk of the circuit  
17 court which reverse or remand a reported conviction or findings  
18 that a minor is delinquent or that vacate or modify a sentence  
19 or sentence made following a trial that a minor is delinquent;  
20 (3) continuances to a date certain in furtherance of an order  
21 of supervision granted under Section 5-6-1 of the Unified Code  
22 of Corrections or an order of probation granted under Section  
23 10 of the Cannabis Control Act, Section 410 of the Illinois  
24 Controlled Substances Act, Section 70 of the Methamphetamine  
25 Control and Community Protection Act, Section 12-4.3 or  
26 subdivision (b) (1) of Section 12-3.05 of the Criminal Code of

1 1961 or the Criminal Code of 2012, Section 10-102 of the  
2 Illinois Alcoholism and Other Drug Dependency Act, Section  
3 40-10 of the Alcoholism and Other Drug Abuse and Dependency  
4 Act, Section 10 of the Steroid Control Act, or Section 5-615 of  
5 the Juvenile Court Act of 1987; and (4) judgments or court  
6 orders terminating or revoking a sentence to or juvenile  
7 disposition of probation, supervision or conditional discharge  
8 and any resentencing or new court orders entered by a juvenile  
9 court relating to the disposition of a minor's case involving  
10 delinquency after such revocation.

11 (d) Fingerprints After Sentencing.

12 (1) After the court pronounces sentence, sentences a  
13 minor following a trial in which a minor was found to be  
14 delinquent or issues an order of supervision or an order of  
15 probation granted under Section 10 of the Cannabis Control  
16 Act, Section 410 of the Illinois Controlled Substances Act,  
17 Section 70 of the Methamphetamine Control and Community  
18 Protection Act, Section 12-4.3 or subdivision (b)(1) of  
19 Section 12-3.05 of the Criminal Code of 1961 or the  
20 Criminal Code of 2012, Section 10-102 of the Illinois  
21 Alcoholism and Other Drug Dependency Act, Section 40-10 of  
22 the Alcoholism and Other Drug Abuse and Dependency Act,  
23 Section 10 of the Steroid Control Act, or Section 5-615 of  
24 the Juvenile Court Act of 1987 for any offense which is  
25 required by statute to be collected, maintained, or  
26 disseminated by the Department of State Police, the State's

1 Attorney of each county shall ask the court to order a law  
2 enforcement agency to fingerprint immediately all persons  
3 appearing before the court who have not previously been  
4 fingerprinted for the same case. The court shall so order  
5 the requested fingerprinting, if it determines that any  
6 such person has not previously been fingerprinted for the  
7 same case. The law enforcement agency shall submit such  
8 fingerprints to the Department daily.

9 (2) After the court pronounces sentence or makes a  
10 disposition of a case following a finding of delinquency  
11 for any offense which is not required by statute to be  
12 collected, maintained, or disseminated by the Department  
13 of State Police, the prosecuting attorney may ask the court  
14 to order a law enforcement agency to fingerprint  
15 immediately all persons appearing before the court who have  
16 not previously been fingerprinted for the same case. The  
17 court may so order the requested fingerprinting, if it  
18 determines that any so sentenced person has not previously  
19 been fingerprinted for the same case. The law enforcement  
20 agency may retain such fingerprints in its files.

21 (e) Corrections Information. The Illinois Department of  
22 Corrections and the sheriff of each county shall furnish the  
23 Department with all information concerning the receipt,  
24 escape, execution, death, release, pardon, parole, commutation  
25 of sentence, granting of executive clemency or discharge of an  
26 individual who has been sentenced or committed to the agency's

1 custody for any offenses which are mandated by statute to be  
2 collected, maintained or disseminated by the Department of  
3 State Police. For an individual who has been charged with any  
4 such offense and who escapes from custody or dies while in  
5 custody, all information concerning the receipt and escape or  
6 death, whichever is appropriate, shall also be so furnished to  
7 the Department.

8 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)

9 Section 15. The Criminal Code of 2012 is amended by  
10 changing Sections 19-1, 24-1.1, and 24-1.6 as follows:

11 (720 ILCS 5/19-1) (from Ch. 38, par. 19-1)

12 Sec. 19-1. Burglary.

13 (a) A person commits burglary when without authority he or  
14 she knowingly enters or without authority remains within a  
15 building, housetrailer, watercraft, aircraft, motor vehicle,  
16 railroad car, or any part thereof, with intent to commit  
17 therein a felony or theft. This offense shall not include the  
18 offenses set out in Section 4-102 of the Illinois Vehicle Code.

19 (b) Sentence.

20 Burglary committed in, and without causing damage to, a  
21 watercraft, aircraft, motor vehicle, railroad car, or any part  
22 thereof is a Class 3 felony. Burglary committed in a building,  
23 housetrailer, or any part thereof or while causing damage to a  
24 watercraft, aircraft, motor vehicle, railroad car, or any part

1 thereof is a Class 2 felony. A burglary committed in a school,  
2 day care center, day care home, group day care home, or part  
3 day child care facility, or place of worship is a Class 1  
4 felony, except that this provision does not apply to a day care  
5 center, day care home, group day care home, or part day child  
6 care facility operated in a private residence used as a  
7 dwelling.

8 (c) Regarding penalties prescribed in subsection (b) for  
9 violations committed in a day care center, day care home, group  
10 day care home, or part day child care facility, the time of  
11 day, time of year, and whether children under 18 years of age  
12 were present in the day care center, day care home, group day  
13 care home, or part day child care facility are irrelevant.

14 (Source: P.A. 96-556, eff. 1-1-10; 97-1108, eff. 1-1-13.)

15 (720 ILCS 5/24-1.1) (from Ch. 38, par. 24-1.1)

16 Sec. 24-1.1. Unlawful Use or Possession of Weapons by  
17 Felons or Persons in the Custody of the Department of  
18 Corrections Facilities.

19 (a) It is unlawful for a person to knowingly possess on or  
20 about his person or on his land or in his own abode or fixed  
21 place of business any weapon prohibited under Section 24-1 of  
22 this Act or any firearm or any firearm ammunition if the person  
23 has been convicted of a felony under the laws of this State or  
24 any other jurisdiction. This Section shall not apply if the  
25 person has been granted relief by the Director of the

1 Department of State Police under Section 10 of the Firearm  
2 Owners Identification Card Act.

3 (b) It is unlawful for any person confined in a penal  
4 institution, which is a facility of the Illinois Department of  
5 Corrections, to possess any weapon prohibited under Section  
6 24-1 of this Code or any firearm or firearm ammunition,  
7 regardless of the intent with which he possesses it.

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

12 (d) The defense of necessity is not available to a person  
13 who is charged with a violation of subsection (b) of this  
14 Section.

15 (e) Sentence. Violation of this Section by a person not  
16 confined in a penal institution shall be a Class 3 felony for  
17 which the person shall be sentenced to no less than 2 years and  
18 no more than 10 years. A ~~and any~~ second or subsequent violation  
19 of this Section shall be a Class 2 felony for which the person  
20 shall be sentenced to a term of imprisonment of not less than 3  
21 years and not more than 14 years, except as provided for in  
22 Section 5-4.5-110 of the Unified Code of Corrections. Violation  
23 of this Section by a person not confined in a penal institution  
24 who has been convicted of a forcible felony, a felony violation  
25 of Article 24 of this Code or of the Firearm Owners  
26 Identification Card Act, stalking or aggravated stalking, or a



1 Class 2 or greater felony under the Illinois Controlled  
2 Substances Act, the Cannabis Control Act, or the  
3 Methamphetamine Control and Community Protection Act is a Class  
4 2 felony for which the person shall be sentenced to not less  
5 than 3 years and not more than 14 years, except as provided for  
6 in Section 5-4.5-110 of the Unified Code of Corrections.  
7 Violation of this Section by a person who is on parole or  
8 mandatory supervised release is a Class 2 felony for which the  
9 person shall be sentenced to not less than 3 years and not more  
10 than 14 years, except as provided for in Section 5-4.5-110 of  
11 the Unified Code of Corrections. Violation of this Section by a  
12 person not confined in a penal institution is a Class X felony  
13 when the firearm possessed is a machine gun. Any person who  
14 violates this Section while confined in a penal institution,  
15 which is a facility of the Illinois Department of Corrections,  
16 is guilty of a Class 1 felony, if he possesses any weapon  
17 prohibited under Section 24-1 of this Code regardless of the  
18 intent with which he possesses it, a Class X felony if he  
19 possesses any firearm, firearm ammunition or explosive, and a  
20 Class X felony for which the offender shall be sentenced to not  
21 less than 12 years and not more than 50 years when the firearm  
22 possessed is a machine gun. A violation of this Section while  
23 wearing or in possession of body armor as defined in Section  
24 33F-1 is a Class X felony punishable by a term of imprisonment  
25 of not less than 10 years and not more than 40 years. The  
26 possession of each firearm or firearm ammunition in violation

1 of this Section constitutes a single and separate violation.

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

3 (720 ILCS 5/24-1.6)

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

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

7 (1) Carries on or about his or her person or in any  
8 vehicle or concealed on or about his or her person except  
9 when on his or her land or in his or her abode, legal  
10 dwelling, or fixed place of business, or on the land or in  
11 the legal dwelling of another person as an invitee with  
12 that person's permission, any pistol, revolver, stun gun or  
13 taser or other firearm; or

14 (2) Carries or possesses on or about his or her person,  
15 upon any public street, alley, or other public lands within  
16 the corporate limits of a city, village or incorporated  
17 town, except when an invitee thereon or therein, for the  
18 purpose of the display of such weapon or the lawful  
19 commerce in weapons, or except when on his or her own land  
20 or in his or her own abode, legal dwelling, or fixed place  
21 of business, or on the land or in the legal dwelling of  
22 another person as an invitee with that person's permission,  
23 any pistol, revolver, stun gun or taser or other firearm;  
24 and

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

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

4 (A-5) the pistol, revolver, or handgun possessed  
5 was uncased, loaded, and immediately accessible at the  
6 time of the offense and the person possessing the  
7 pistol, revolver, or handgun has not been issued a  
8 currently valid license under the Firearm Concealed  
9 Carry Act; or

10 (B) the firearm, other than a pistol, revolver, or  
11 handgun, possessed was uncased, unloaded, and the  
12 ammunition for the weapon was immediately accessible  
13 at the time of the offense; or

14 (B-5) the pistol, revolver, or handgun possessed  
15 was uncased, unloaded, and the ammunition for the  
16 weapon was immediately accessible at the time of the  
17 offense and the person possessing the pistol,  
18 revolver, or handgun has not been issued a currently  
19 valid license under the Firearm Concealed Carry Act; or

20 (C) the person possessing the firearm has not been  
21 issued a currently valid Firearm Owner's  
22 Identification Card; or

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

1 (E) the person possessing the weapon was engaged in  
2 a misdemeanor violation of the Cannabis Control Act, in  
3 a misdemeanor violation of the Illinois Controlled  
4 Substances Act, or in a misdemeanor violation of the  
5 Methamphetamine Control and Community Protection Act;  
6 or

7 (F) (blank); or

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

11 (H) the person possessing the weapon was engaged in  
12 the commission or attempted commission of a  
13 misdemeanor involving the use or threat of violence  
14 against the person or property of another; or

15 (I) the person possessing the weapon was under 21  
16 years of age and in possession of a handgun, unless the  
17 person under 21 is engaged in lawful activities under  
18 the Wildlife Code or described in subsection  
19 24-2(b)(1), (b)(3), or 24-2(f).

20 (a-5) "Handgun" as used in this Section has the meaning  
21 given to it in Section 5 of the Firearm Concealed Carry Act.

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

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

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

1 (ii) are not immediately accessible; or

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

6 (d) Sentence.

7 (1) Aggravated unlawful use of a weapon is a Class 4  
8 felony; a second or subsequent offense is a Class 2 felony  
9 for which the person shall be sentenced to a term of  
10 imprisonment of not less than 3 years and not more than 7  
11 years, except as provided for in Section 5-4.5-110 of the  
12 Unified Code of Corrections.

13 (2) Except as otherwise provided in paragraphs (3) and  
14 (4) of this subsection (d), a first offense of aggravated  
15 unlawful use of a weapon committed with a firearm by a  
16 person 18 years of age or older where the factors listed in  
17 both items (A) and (C) or both items (A-5) and (C) of  
18 paragraph (3) of subsection (a) are present is a Class 4  
19 felony, for which the person shall be sentenced to a term  
20 of imprisonment of not less than one year and not more than  
21 3 years.

22 (3) Aggravated unlawful use of a weapon by a person who  
23 has been previously convicted of a felony in this State or  
24 another jurisdiction is a Class 2 felony for which the  
25 person shall be sentenced to a term of imprisonment of not  
26 less than 3 years and not more than 7 years, except as

1       provided for in Section 5-4.5-110 of the Unified Code of  
2       Corrections.

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

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

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

12           Section 20. The Cannabis Control Act is amended by changing  
13       Sections 5.2 and 10 as follows:

14           (720 ILCS 550/5.2) (from Ch. 56 1/2, par. 705.2)

15       Sec. 5.2. Delivery of cannabis on school grounds.

16           (a) Any person who violates subsection (e) of Section 5 in  
17       any school, on the real property comprising any school, or any  
18       conveyance owned, leased or contracted by a school to transport  
19       students to or from school or a school related activity, or on  
20       any public way within 500 ~~1,000~~ feet of the real property  
21       comprising any school, or in any conveyance owned, leased or  
22       contracted by a school to transport students to or from school  
23       or a school related activity, and at the time of the violation  
24       persons under the age of 18 are present, the offense is

1 committed during school hours, or the offense is committed at  
2 times when persons under the age of 18 are reasonably expected  
3 to be present in the school, in the conveyance, on the real  
4 property, or on the public way, such as when after-school  
5 activities are occurring, is guilty of a Class 1 felony, the  
6 fine for which shall not exceed \$200,000;

7 (b) Any person who violates subsection (d) of Section 5 in  
8 any school, on the real property comprising any school, or any  
9 conveyance owned, leased or contracted by a school to transport  
10 students to or from school or a school related activity, or on  
11 any public way within 500 ~~1,000~~ feet of the real property  
12 comprising any school, or in any conveyance owned, leased or  
13 contracted by a school to transport students to or from school  
14 or a school related activity, and at the time of the violation  
15 persons under the age of 18 are present, the offense is  
16 committed during school hours, or the offense is committed at  
17 times when persons under the age of 18 are reasonably expected  
18 to be present in the school, in the conveyance, on the real  
19 property, or on the public way, such as when after-school  
20 activities are occurring, is guilty of a Class 2 felony, the  
21 fine for which shall not exceed \$100,000;

22 (c) Any person who violates subsection (c) of Section 5 in  
23 any school, on the real property comprising any school, or any  
24 conveyance owned, leased or contracted by a school to transport  
25 students to or from school or a school related activity, or on  
26 any public way within 500 ~~1,000~~ feet of the real property

1 comprising any school, or in any conveyance owned, leased or  
2 contracted by a school to transport students to or from school  
3 or a school related activity, and at the time of the violation  
4 persons under the age of 18 are present, the offense is  
5 committed during school hours, or the offense is committed at  
6 times when persons under the age of 18 are reasonably expected  
7 to be present in the school, in the conveyance, on the real  
8 property, or on the public way, such as when after-school  
9 activities are occurring, is guilty of a Class 3 felony, the  
10 fine for which shall not exceed \$50,000;

11 (d) Any person who violates subsection (b) of Section 5 in  
12 any school, on the real property comprising any school, or any  
13 conveyance owned, leased or contracted by a school to transport  
14 students to or from school or a school related activity, or on  
15 any public way within 500 ~~1,000~~ feet of the real property  
16 comprising any school, or in any conveyance owned, leased or  
17 contracted by a school to transport students to or from school  
18 or a school related activity, and at the time of the violation  
19 persons under the age of 18 are present, the offense is  
20 committed during school hours, or the offense is committed at  
21 times when persons under the age of 18 are reasonably expected  
22 to be present in the school, in the conveyance, on the real  
23 property, or on the public way, such as when after-school  
24 activities are occurring, is guilty of a Class 4 felony, the  
25 fine for which shall not exceed \$25,000;

26 (e) Any person who violates subsection (a) of Section 5 in



1 any school, on the real property comprising any school, or in  
2 any conveyance owned, leased or contracted by a school to  
3 transport students to or from school or a school related  
4 activity, on any public way within 500 ~~1,000~~ feet of the real  
5 property comprising any school, or any conveyance owned, leased  
6 or contracted by a school to transport students to or from  
7 school or a school related activity, and at the time of the  
8 violation persons under the age of 18 are present, the offense  
9 is committed during school hours, or the offense is committed  
10 at times when persons under the age of 18 are reasonably  
11 expected to be present in the school, in the conveyance, on the  
12 real property, or on the public way, such as when after-school  
13 activities are occurring, is guilty of a Class A misdemeanor.

14 (Source: P.A. 87-544.)

15 (720 ILCS 550/10) (from Ch. 56 1/2, par. 710)

16 Sec. 10. (a) Whenever any person who has not previously  
17 been convicted of, ~~or placed on probation or court supervision~~  
18 ~~for,~~ any felony offense under this Act or any law of the United  
19 States or of any State relating to cannabis, or controlled  
20 substances as defined in the Illinois Controlled Substances  
21 Act, pleads guilty to or is found guilty of violating Sections  
22 4(a), 4(b), 4(c), 5(a), 5(b), 5(c) or 8 of this Act, the court  
23 may, without entering a judgment and with the consent of such  
24 person, sentence him to probation.

25 (b) When a person is placed on probation, the court shall

1 enter an order specifying a period of probation of 24 months,  
2 and shall defer further proceedings in the case until the  
3 conclusion of the period or until the filing of a petition  
4 alleging violation of a term or condition of probation.

5 (c) The conditions of probation shall be that the person:

6 (1) not violate any criminal statute of any jurisdiction; (2)  
7 refrain from possession of a firearm or other dangerous weapon;  
8 (3) submit to periodic drug testing at a time and in a manner  
9 as ordered by the court, but no less than 3 times during the  
10 period of the probation, with the cost of the testing to be  
11 paid by the probationer; and (4) perform no less than 30 hours  
12 of community service, provided community service is available  
13 in the jurisdiction and is funded and approved by the county  
14 board.

15 (d) The court may, in addition to other conditions, require  
16 that the person:

17 (1) make a report to and appear in person before or  
18 participate with the court or such courts, person, or  
19 social service agency as directed by the court in the order  
20 of probation;

21 (2) pay a fine and costs;

22 (3) work or pursue a course of study or vocational  
23 training;

24 (4) undergo medical or psychiatric treatment; or  
25 treatment for drug addiction or alcoholism;

26 (5) attend or reside in a facility established for the

1 instruction or residence of defendants on probation;

2 (6) support his dependents;

3 (7) refrain from possessing a firearm or other  
4 dangerous weapon;

5 (7-5) refrain from having in his or her body the  
6 presence of any illicit drug prohibited by the Cannabis  
7 Control Act, the Illinois Controlled Substances Act, or the  
8 Methamphetamine Control and Community Protection Act,  
9 unless prescribed by a physician, and submit samples of his  
10 or her blood or urine or both for tests to determine the  
11 presence of any illicit drug;

12 (8) and in addition, if a minor:

13 (i) reside with his parents or in a foster home;

14 (ii) attend school;

15 (iii) attend a non-residential program for youth;

16 (iv) contribute to his own support at home or in a  
17 foster home.

18 (e) Upon violation of a term or condition of probation, the  
19 court may enter a judgment on its original finding of guilt and  
20 proceed as otherwise provided.

21 (f) Upon fulfillment of the terms and conditions of  
22 probation, the court shall discharge such person and dismiss  
23 the proceedings against him.

24 (g) A disposition of probation is considered to be a  
25 conviction for the purposes of imposing the conditions of  
26 probation and for appeal, however, discharge and dismissal

1 under this Section is not a conviction for purposes of  
2 disqualification or disabilities imposed by law upon  
3 conviction of a crime (including the additional penalty imposed  
4 for subsequent offenses under Section 4(c), 4(d), 5(c) or 5(d)  
5 of this Act).

6 (h) A person may not have more than one discharge ~~Discharge~~  
7 and dismissal under this Section within a 4-year period,  
8 ~~Section 410 of the Illinois Controlled Substances Act, Section~~  
9 ~~70 of the Methamphetamine Control and Community Protection Act,~~  
10 ~~Section 5-6-3.3 or 5-6-3.4 of the Unified Code of Corrections,~~  
11 ~~or subsection (c) of Section 11-14 of the Criminal Code of 1961~~  
12 ~~or the Criminal Code of 2012 may occur only once with respect~~  
13 ~~to any person.~~

14 (i) If a person is convicted of an offense under this Act,  
15 the Illinois Controlled Substances Act, or the Methamphetamine  
16 Control and Community Protection Act within 5 years subsequent  
17 to a discharge and dismissal under this Section, the discharge  
18 and dismissal under this Section shall be admissible in the  
19 sentencing proceeding for that conviction as a factor in  
20 aggravation.

21 (j) Notwithstanding subsection (a), before a person is  
22 sentenced to probation under this Section, the court may refer  
23 the person to the drug court established in that judicial  
24 circuit pursuant to Section 15 of the Drug Court Treatment Act.  
25 The drug court team shall evaluate the person's likelihood of  
26 successfully completing a sentence of probation under this

1 Section and shall report the results of its evaluation to the  
2 court. If the drug court team finds that the person suffers  
3 from a substance abuse problem that makes him or her  
4 substantially unlikely to successfully complete a sentence of  
5 probation under this Section, then the drug court shall set  
6 forth its findings in the form of a written order, and the  
7 person shall not be sentenced to probation under this Section,  
8 but shall ~~may~~ be considered for the drug court program.

9 (Source: P.A. 98-164, eff. 1-1-14; 99-480, eff. 9-9-15.)

10 Section 25. The Illinois Controlled Substances Act is  
11 amended by changing Sections 407 and 410 as follows:

12 (720 ILCS 570/407) (from Ch. 56 1/2, par. 1407)

13 Sec. 407. (a) (1) (A) Any person 18 years of age or over who  
14 violates any subsection of Section 401 or subsection (b) of  
15 Section 404 by delivering a controlled, counterfeit or  
16 look-alike substance to a person under 18 years of age may be  
17 sentenced to imprisonment for a term up to twice the maximum  
18 term and fined an amount up to twice that amount otherwise  
19 authorized by the pertinent subsection of Section 401 and  
20 Subsection (b) of Section 404.

21 (B) (Blank).

22 (2) Except as provided in paragraph (3) of this subsection,  
23 any person who violates:

24 (A) subsection (c) of Section 401 by delivering or

1       possessing with intent to deliver a controlled,  
2       counterfeit, or look-alike substance in or on, or within  
3       500 ~~1,000~~ feet of, a truck stop or safety rest area, is  
4       guilty of a Class 1 felony, the fine for which shall not  
5       exceed \$250,000;

6       (B) subsection (d) of Section 401 by delivering or  
7       possessing with intent to deliver a controlled,  
8       counterfeit, or look-alike substance in or on, or within  
9       500 ~~1,000~~ feet of, a truck stop or safety rest area, is  
10      guilty of a Class 2 felony, the fine for which shall not  
11      exceed \$200,000;

12      (C) subsection (e) of Section 401 or subsection (b) of  
13      Section 404 by delivering or possessing with intent to  
14      deliver a controlled, counterfeit, or look-alike substance  
15      in or on, or within 500 ~~1,000~~ feet of, a truck stop or  
16      safety rest area, is guilty of a Class 3 felony, the fine  
17      for which shall not exceed \$150,000;

18      (D) subsection (f) of Section 401 by delivering or  
19      possessing with intent to deliver a controlled,  
20      counterfeit, or look-alike substance in or on, or within  
21      500 ~~1,000~~ feet of, a truck stop or safety rest area, is  
22      guilty of a Class 3 felony, the fine for which shall not  
23      exceed \$125,000;

24      (E) subsection (g) of Section 401 by delivering or  
25      possessing with intent to deliver a controlled,  
26      counterfeit, or look-alike substance in or on, or within

1        500 ~~1,000~~ feet of, a truck stop or safety rest area, is  
2 guilty of a Class 3 felony, the fine for which shall not  
3 exceed \$100,000;

4            (F) subsection (h) of Section 401 by delivering or  
5 possessing with intent to deliver a controlled,  
6 counterfeit, or look-alike substance in or on, or within  
7 500 ~~1,000~~ feet of, a truck stop or safety rest area, is  
8 guilty of a Class 3 felony, the fine for which shall not  
9 exceed \$75,000;

10           (3) Any person who violates paragraph (2) of this  
11 subsection (a) by delivering or possessing with intent to  
12 deliver a controlled, counterfeit, or look-alike substance in  
13 or on, or within 500 ~~1,000~~ feet of a truck stop or a safety rest  
14 area, following a prior conviction or convictions of paragraph  
15 (2) of this subsection (a) may be sentenced to a term of  
16 imprisonment up to 2 times the maximum term and fined an amount  
17 up to 2 times the amount otherwise authorized by Section 401.

18           (4) For the purposes of this subsection (a):

19            (A) "Safety rest area" means a roadside facility  
20 removed from the roadway with parking and facilities  
21 designed for motorists' rest, comfort, and information  
22 needs; and

23            (B) "Truck stop" means any facility (and its parking  
24 areas) used to provide fuel or service, or both, to any  
25 commercial motor vehicle as defined in Section 18b-101 of  
26 the Illinois Vehicle Code.

1 (b) Any person who violates:

2 (1) subsection (c) of Section 401 in any school, on or  
3 within 500 feet of the real property comprising any school,  
4 or in any conveyance owned, leased or contracted by a  
5 school to transport students to or from school or a school  
6 related activity, and at the time of the violation persons  
7 under the age of 18 are present, the offense is committed  
8 during school hours, or the offense is committed at times  
9 when persons under the age of 18 are reasonably expected to  
10 be present in the school, in the conveyance, or on the real  
11 property, such as when after-school activities are  
12 occurring ~~or residential property owned, operated or~~  
13 ~~managed by a public housing agency or leased by a public~~  
14 ~~housing agency as part of a scattered site or mixed income~~  
15 ~~development, or in any public park or, on or within 500~~  
16 ~~feet of the real property comprising any school or~~  
17 ~~residential property owned, operated or managed by a public~~  
18 ~~housing agency or leased by a public housing agency as part~~  
19 ~~of a scattered site or mixed income development, or public~~  
20 ~~park or within 1,000 feet of the real property comprising~~  
21 ~~any school or residential property owned, operated or~~  
22 ~~managed by a public housing agency or leased by a public~~  
23 ~~housing agency as part of a scattered site or mixed income~~  
24 ~~development, or public park,~~ on the real property  
25 comprising any church, synagogue, or other building,  
26 structure, or place used primarily for religious worship,



1 or within 500 ~~1,000~~ feet of the real property comprising  
2 any church, synagogue, or other building, structure, or  
3 place used primarily for religious worship, on the real  
4 property comprising any of the following places,  
5 buildings, or structures used primarily for housing or  
6 providing space for activities for senior citizens:  
7 nursing homes, assisted-living centers, senior citizen  
8 housing complexes, or senior centers oriented toward  
9 daytime activities, or within 500 ~~1,000~~ feet of the real  
10 property comprising any of the following places,  
11 buildings, or structures used primarily for housing or  
12 providing space for activities for senior citizens:  
13 nursing homes, assisted-living centers, senior citizen  
14 housing complexes, or senior centers oriented toward  
15 daytime activities and at the time of the violation persons  
16 are present or reasonably expected to be present in the  
17 church, synagogue, or other building, structure, or place  
18 used primarily for religious worship during worship  
19 services, or in buildings or structures used primarily for  
20 housing or providing space for activities for senior  
21 citizens: nursing homes, assisted-living centers, senior  
22 citizen housing complexes, or senior centers oriented  
23 toward daytime activities during the hours those places,  
24 buildings, or structures are open for those activities, or  
25 on the real property is guilty of a Class X felony, the  
26 fine for which shall not exceed \$500,000;

1           (2) subsection (d) of Section 401 in any school, on or  
2           within 500 feet of the real property comprising any school,  
3           or in any conveyance owned, leased or contracted by a  
4           school to transport students to or from school or a school  
5           related activity, and at the time of the violation persons  
6           under the age of 18 are present, the offense is committed  
7           during school hours, or the offense is committed at times  
8           when persons under the age of 18 are reasonably expected to  
9           be present in the school, in the conveyance, or on the real  
10          property, such as when after-school activities are  
11          occurring ~~or residential property owned, operated or~~  
12          ~~managed by a public housing agency or leased by a public~~  
13          ~~housing agency as part of a scattered site or mixed income~~  
14          ~~development, or in any public park or~~ on or within 500  
15          feet of the real property comprising any ~~school or~~  
16          ~~residential property owned, operated or managed by a public~~  
17          ~~housing agency or leased by a public housing agency as part~~  
18          ~~of a scattered site or mixed income development, or public~~  
19          ~~park or within 1,000 feet of the real property comprising~~  
20          ~~any school or residential property owned, operated or~~  
21          ~~managed by a public housing agency or leased by a public~~  
22          ~~housing agency as part of a scattered site or mixed income~~  
23          ~~development, or public park,~~ on the real property  
24          comprising any church, synagogue, or other building,  
25          structure, or place used primarily for religious worship,  
26          or within 500 ~~1,000~~ feet of the real property comprising

1 any church, synagogue, or other building, structure, or  
2 place used primarily for religious worship, on the real  
3 property comprising any of the following places,  
4 buildings, or structures used primarily for housing or  
5 providing space for activities for senior citizens:  
6 nursing homes, assisted-living centers, senior citizen  
7 housing complexes, or senior centers oriented toward  
8 daytime activities, or within 500 ~~1,000~~ feet of the real  
9 property comprising any of the following places,  
10 buildings, or structures used primarily for housing or  
11 providing space for activities for senior citizens:  
12 nursing homes, assisted-living centers, senior citizen  
13 housing complexes, or senior centers oriented toward  
14 daytime activities and at the time of the violation persons  
15 are present or reasonably expected to be present in the  
16 church, synagogue, or other building, structure, or place  
17 used primarily for religious worship during worship  
18 services, or in buildings or structures used primarily for  
19 housing or providing space for activities for senior  
20 citizens: nursing homes, assisted-living centers, senior  
21 citizen housing complexes, or senior centers oriented  
22 toward daytime activities during the hours those places,  
23 buildings, or structures are open for those activities, or  
24 on the real property is guilty of a Class 1 felony, the  
25 fine for which shall not exceed \$250,000;

26 (3) subsection (e) of Section 401 or Subsection (b) of

1 Section 404 in any school, on or within 500 feet of the  
2 real property comprising any school, or in any conveyance  
3 owned, leased or contracted by a school to transport  
4 students to or from school or a school related activity,  
5 and at the time of the violation persons under the age of  
6 18 are present, the offense is committed during school  
7 hours, or the offense is committed at times when persons  
8 under the age of 18 are reasonably expected to be present  
9 in the school, in the conveyance, or on the real property,  
10 such as when after-school activities are occurring ~~or~~  
11 ~~residential property owned, operated or managed by a public~~  
12 ~~housing agency or leased by a public housing agency as part~~  
13 ~~of a scattered site or mixed income development, or in any~~  
14 public park ~~or,~~ on or within 500 feet of the real property  
15 comprising any ~~school or residential property owned,~~  
16 ~~operated or managed by a public housing agency or leased by~~  
17 ~~a public housing agency as part of a scattered site or~~  
18 ~~mixed income development, or public park or within 1,000~~  
19 ~~feet of the real property comprising any school or~~  
20 ~~residential property owned, operated or managed by a public~~  
21 ~~housing agency or leased by a public housing agency as part~~  
22 ~~of a scattered site or mixed income development, or public~~  
23 ~~park,~~ on the real property comprising any church,  
24 synagogue, or other building, structure, or place used  
25 primarily for religious worship, or within 500 ~~1,000~~ feet  
26 of the real property comprising any church, synagogue, or

1 other building, structure, or place used primarily for  
2 religious worship, on the real property comprising any of  
3 the following places, buildings, or structures used  
4 primarily for housing or providing space for activities for  
5 senior citizens: nursing homes, assisted-living centers,  
6 senior citizen housing complexes, or senior centers  
7 oriented toward daytime activities, or within 500 ~~1,000~~  
8 feet of the real property comprising any of the following  
9 places, buildings, or structures used primarily for  
10 housing or providing space for activities for senior  
11 citizens: nursing homes, assisted-living centers, senior  
12 citizen housing complexes, or senior centers oriented  
13 toward daytime activities and at the time of the violation  
14 persons are present or reasonably expected to be present in  
15 the church, synagogue, or other building, structure, or  
16 place used primarily for religious worship during worship  
17 services, or in buildings or structures used primarily for  
18 housing or providing space for activities for senior  
19 citizens: nursing homes, assisted-living centers, senior  
20 citizen housing complexes, or senior centers oriented  
21 toward daytime activities during the hours those places,  
22 buildings, or structures are open for those activities, or  
23 on the real property is guilty of a Class 2 felony, the  
24 fine for which shall not exceed \$200,000;

25 (4) subsection (f) of Section 401 in any school, on or  
26 within 500 feet of the real property comprising any school,

1 or in any conveyance owned, leased or contracted by a  
2 school to transport students to or from school or a school  
3 related activity, and at the time of the violation persons  
4 under the age of 18 are present, the offense is committed  
5 during school hours, or the offense is committed at times  
6 when persons under the age of 18 are reasonably expected to  
7 be present in the school, in the conveyance, or on the real  
8 property, such as when after-school activities are  
9 occurring ~~or residential property owned, operated or~~  
10 ~~managed by a public housing agency or leased by a public~~  
11 ~~housing agency as part of a scattered site or mixed income~~  
12 ~~development, or in any public park or, on or within 500~~  
13 ~~feet of the real property comprising any school or~~  
14 ~~residential property owned, operated or managed by a public~~  
15 ~~housing agency or leased by a public housing agency as part~~  
16 ~~of a scattered site or mixed income development, or public~~  
17 ~~park or within 1,000 feet of the real property comprising~~  
18 ~~any school or residential property owned, operated or~~  
19 ~~managed by a public housing agency or leased by a public~~  
20 ~~housing agency as part of a scattered site or mixed income~~  
21 ~~development, or public park, on the real property~~  
22 comprising any church, synagogue, or other building,  
23 structure, or place used primarily for religious worship,  
24 or within 500 ~~1,000~~ feet of the real property comprising  
25 any church, synagogue, or other building, structure, or  
26 place used primarily for religious worship, on the real

1 property comprising any of the following places,  
2 buildings, or structures used primarily for housing or  
3 providing space for activities for senior citizens:  
4 nursing homes, assisted-living centers, senior citizen  
5 housing complexes, or senior centers oriented toward  
6 daytime activities, or within 500 ~~1,000~~ feet of the real  
7 property comprising any of the following places,  
8 buildings, or structures used primarily for housing or  
9 providing space for activities for senior citizens:  
10 nursing homes, assisted-living centers, senior citizen  
11 housing complexes, or senior centers oriented toward  
12 daytime activities and at the time of the violation persons  
13 are present or reasonably expected to be present in the  
14 church, synagogue, or other building, structure, or place  
15 used primarily for religious worship during worship  
16 services, or in buildings or structures used primarily for  
17 housing or providing space for activities for senior  
18 citizens: nursing homes, assisted-living centers, senior  
19 citizen housing complexes, or senior centers oriented  
20 toward daytime activities during the hours those places,  
21 buildings, or structures are open for those activities, or  
22 on the real property is guilty of a Class 2 felony, the  
23 fine for which shall not exceed \$150,000;

24 (5) subsection (g) of Section 401 in any school, on or  
25 within 500 feet of the real property comprising any school,  
26 or in any conveyance owned, leased or contracted by a

1 school to transport students to or from school or a school  
2 related activity, and at the time of the violation persons  
3 under the age of 18 are present, the offense is committed  
4 during school hours, or the offense is committed at times  
5 when persons under the age of 18 are reasonably expected to  
6 be present in the school, in the conveyance, or on the real  
7 property, such as when after-school activities are  
8 occurring ~~or residential property owned, operated or~~  
9 ~~managed by a public housing agency or leased by a public~~  
10 ~~housing agency as part of a scattered site or mixed income~~  
11 ~~development, or in any public park or, on or within 500~~  
12 feet of the real property comprising any ~~school or~~  
13 ~~residential property owned, operated or managed by a public~~  
14 ~~housing agency or leased by a public housing agency as part~~  
15 ~~of a scattered site or mixed income development, or public~~  
16 ~~park or within 1,000 feet of the real property comprising~~  
17 ~~any school or residential property owned, operated or~~  
18 ~~managed by a public housing agency or leased by a public~~  
19 ~~housing agency as part of a scattered site or mixed income~~  
20 ~~development, or public park, on the real property~~  
21 comprising any church, synagogue, or other building,  
22 structure, or place used primarily for religious worship,  
23 or within 500 ~~1,000~~ feet of the real property comprising  
24 any church, synagogue, or other building, structure, or  
25 place used primarily for religious worship, on the real  
26 property comprising any of the following places,



1 buildings, or structures used primarily for housing or  
2 providing space for activities for senior citizens:  
3 nursing homes, assisted-living centers, senior citizen  
4 housing complexes, or senior centers oriented toward  
5 daytime activities, or within 500 ~~1,000~~ feet of the real  
6 property comprising any of the following places,  
7 buildings, or structures used primarily for housing or  
8 providing space for activities for senior citizens:  
9 nursing homes, assisted-living centers, senior citizen  
10 housing complexes, or senior centers oriented toward  
11 daytime activities and at the time of the violation persons  
12 are present or reasonably expected to be present in the  
13 church, synagogue, or other building, structure, or place  
14 used primarily for religious worship during worship  
15 services, or in buildings or structures used primarily for  
16 housing or providing space for activities for senior  
17 citizens: nursing homes, assisted-living centers, senior  
18 citizen housing complexes, or senior centers oriented  
19 toward daytime activities during the hours those places,  
20 buildings, or structures are open for those activities, or  
21 on the real property is guilty of a Class 2 felony, the  
22 fine for which shall not exceed \$125,000;

23 (6) subsection (h) of Section 401 in any school, on or  
24 within 500 feet of the real property comprising any school,  
25 or in any conveyance owned, leased or contracted by a  
26 school to transport students to or from school or a school

1 related activity, and at the time of the violation persons  
2 under the age of 18 are present, the offense is committed  
3 during school hours, or the offense is committed at times  
4 when persons under the age of 18 are reasonably expected to  
5 be present in the school, in the conveyance, or on the real  
6 property, such as when after-school activities are  
7 occurring ~~or residential property owned, operated or~~  
8 ~~managed by a public housing agency or leased by a public~~  
9 ~~housing agency as part of a scattered site or mixed income~~  
10 ~~development, or in any public park or, on or within 500~~  
11 feet of the real property comprising any ~~school or~~  
12 ~~residential property owned, operated or managed by a public~~  
13 ~~housing agency or leased by a public housing agency as part~~  
14 ~~of a scattered site or mixed income development, or public~~  
15 ~~park or within 1,000 feet of the real property comprising~~  
16 ~~any school or residential property owned, operated or~~  
17 ~~managed by a public housing agency or leased by a public~~  
18 ~~housing agency as part of a scattered site or mixed income~~  
19 ~~development, or public park, on the real property~~  
20 comprising any church, synagogue, or other building,  
21 structure, or place used primarily for religious worship,  
22 or within 500 ~~1,000~~ feet of the real property comprising  
23 any church, synagogue, or other building, structure, or  
24 place used primarily for religious worship, on the real  
25 property comprising any of the following places,  
26 buildings, or structures used primarily for housing or

1 providing space for activities for senior citizens:  
2 nursing homes, assisted-living centers, senior citizen  
3 housing complexes, or senior centers oriented toward  
4 daytime activities, or within 500 ~~1,000~~ feet of the real  
5 property comprising any of the following places,  
6 buildings, or structures used primarily for housing or  
7 providing space for activities for senior citizens:  
8 nursing homes, assisted-living centers, senior citizen  
9 housing complexes, or senior centers oriented toward  
10 daytime activities and at the time of the violation persons  
11 are present or reasonably expected to be present in the  
12 church, synagogue, or other building, structure, or place  
13 used primarily for religious worship during worship  
14 services, or in buildings or structures used primarily for  
15 housing or providing space for activities for senior  
16 citizens: nursing homes, assisted-living centers, senior  
17 citizen housing complexes, or senior centers oriented  
18 toward daytime activities during the hours those places,  
19 buildings, or structures are open for those activities, or  
20 on the real property is guilty of a Class 2 felony, the  
21 fine for which shall not exceed \$100,000.

22 (c) Regarding penalties prescribed in subsection (b) for  
23 violations committed in a school or on or within 500 ~~1,000~~ feet  
24 of school property, the time of day and time of year ~~and~~  
25 ~~whether classes were currently in session~~ at the time of the  
26 offense is irrelevant.

1 (Source: P.A. 93-223, eff. 1-1-04; 94-556, eff. 9-11-05.)

2 (720 ILCS 570/410) (from Ch. 56 1/2, par. 1410)

3 Sec. 410. (a) Whenever any person who has not previously  
4 been convicted of, ~~or placed on probation or court supervision~~  
5 ~~for~~ any felony offense under this Act or any law of the United  
6 States or of any State relating to cannabis or controlled  
7 substances, pleads guilty to or is found guilty of possession  
8 of a controlled or counterfeit substance under subsection (c)  
9 of Section 402 or of unauthorized possession of prescription  
10 form under Section 406.2, the court, without entering a  
11 judgment and with the consent of such person, may sentence him  
12 or her to probation.

13 (b) When a person is placed on probation, the court shall  
14 enter an order specifying a period of probation of 24 months  
15 and shall defer further proceedings in the case until the  
16 conclusion of the period or until the filing of a petition  
17 alleging violation of a term or condition of probation.

18 (c) The conditions of probation shall be that the person:  
19 (1) not violate any criminal statute of any jurisdiction; (2)  
20 refrain from possessing a firearm or other dangerous weapon;  
21 (3) submit to periodic drug testing at a time and in a manner  
22 as ordered by the court, but no less than 3 times during the  
23 period of the probation, with the cost of the testing to be  
24 paid by the probationer; and (4) perform no less than 30 hours  
25 of community service, provided community service is available

1 in the jurisdiction and is funded and approved by the county  
2 board.

3 (d) The court may, in addition to other conditions, require  
4 that the person:

5 (1) make a report to and appear in person before or  
6 participate with the court or such courts, person, or  
7 social service agency as directed by the court in the order  
8 of probation;

9 (2) pay a fine and costs;

10 (3) work or pursue a course of study or vocational  
11 training;

12 (4) undergo medical or psychiatric treatment; or  
13 treatment or rehabilitation approved by the Illinois  
14 Department of Human Services;

15 (5) attend or reside in a facility established for the  
16 instruction or residence of defendants on probation;

17 (6) support his or her dependents;

18 (6-5) refrain from having in his or her body the  
19 presence of any illicit drug prohibited by the Cannabis  
20 Control Act, the Illinois Controlled Substances Act, or the  
21 Methamphetamine Control and Community Protection Act,  
22 unless prescribed by a physician, and submit samples of his  
23 or her blood or urine or both for tests to determine the  
24 presence of any illicit drug;

25 (7) and in addition, if a minor:

26 (i) reside with his or her parents or in a foster

1 home;  
2 (ii) attend school;  
3 (iii) attend a non-residential program for youth;  
4 (iv) contribute to his or her own support at home  
5 or in a foster home.

6 (e) Upon violation of a term or condition of probation, the  
7 court may enter a judgment on its original finding of guilt and  
8 proceed as otherwise provided.

9 (f) Upon fulfillment of the terms and conditions of  
10 probation, the court shall discharge the person and dismiss the  
11 proceedings against him or her.

12 (g) A disposition of probation is considered to be a  
13 conviction for the purposes of imposing the conditions of  
14 probation and for appeal, however, discharge and dismissal  
15 under this Section is not a conviction for purposes of this Act  
16 or for purposes of disqualifications or disabilities imposed by  
17 law upon conviction of a crime.

18 (h) A person may not have more than ~~There may be only one~~  
19 discharge and dismissal under this Section within a 4-year  
20 period, ~~Section 10 of the Cannabis Control Act, Section 70 of~~  
21 ~~the Methamphetamine Control and Community Protection Act,~~  
22 ~~Section 5-6-3.3 or 5-6-3.4 of the Unified Code of Corrections,~~  
23 ~~or subsection (c) of Section 11-14 of the Criminal Code of 1961~~  
24 ~~or the Criminal Code of 2012 with respect to any person.~~

25 (i) If a person is convicted of an offense under this Act,  
26 the Cannabis Control Act, or the Methamphetamine Control and

1 Community Protection Act within 5 years subsequent to a  
2 discharge and dismissal under this Section, the discharge and  
3 dismissal under this Section shall be admissible in the  
4 sentencing proceeding for that conviction as evidence in  
5 aggravation.

6 (j) Notwithstanding subsection (a), before a person is  
7 sentenced to probation under this Section, the court may refer  
8 the person to the drug court established in that judicial  
9 circuit pursuant to Section 15 of the Drug Court Treatment Act.  
10 The drug court team shall evaluate the person's likelihood of  
11 successfully completing a sentence of probation under this  
12 Section and shall report the results of its evaluation to the  
13 court. If the drug court team finds that the person suffers  
14 from a substance abuse problem that makes him or her  
15 substantially unlikely to successfully complete a sentence of  
16 probation under this Section, then the drug court shall set  
17 forth its findings in the form of a written order, and the  
18 person shall not be sentenced to probation under this Section,  
19 but shall ~~may~~ be considered for the drug court program.

20 (Source: P.A. 98-164, eff. 1-1-14; 99-480, eff. 9-9-15.)

21 Section 30. The Methamphetamine Control and Community  
22 Protection Act is amended by changing Sections 15, 55, and 70  
23 as follows:

24 (720 ILCS 646/15)

1           Sec. 15. Participation in methamphetamine manufacturing.

2           (a) Participation in methamphetamine manufacturing.

3           (1) It is unlawful to knowingly participate in the  
4 manufacture of methamphetamine with the intent that  
5 methamphetamine or a substance containing methamphetamine  
6 be produced.

7           (2) A person who violates paragraph (1) of this  
8 subsection (a) is subject to the following penalties:

9           (A) A person who participates in the manufacture of  
10 less than 15 grams of methamphetamine or a substance  
11 containing methamphetamine is guilty of a Class 1  
12 felony.

13           (B) A person who participates in the manufacture of  
14 15 or more grams but less than 100 grams of  
15 methamphetamine or a substance containing  
16 methamphetamine is guilty of a Class X felony, subject  
17 to a term of imprisonment of not less than 6 years and  
18 not more than 30 years, and subject to a fine not to  
19 exceed \$100,000 or the street value of the  
20 methamphetamine manufactured, whichever is greater.

21           (C) A person who participates in the manufacture of  
22 100 or more grams but less than 400 grams of  
23 methamphetamine or a substance containing  
24 methamphetamine is guilty of a Class X felony, subject  
25 to a term of imprisonment of not less than 9 years and  
26 not more than 40 years, and subject to a fine not to



1           exceed \$200,000 or the street value of the  
2           methamphetamine manufactured, whichever is greater.

3           (D) A person who participates in the manufacture of  
4           400 or more grams but less than 900 grams of  
5           methamphetamine or a substance containing  
6           methamphetamine is guilty of a Class X felony, subject  
7           to a term of imprisonment of not less than 12 years and  
8           not more than 50 years, and subject to a fine not to  
9           exceed \$300,000 or the street value of the  
10          methamphetamine manufactured, whichever is greater.

11          (E) A person who participates in the manufacture of  
12          900 grams or more of methamphetamine or a substance  
13          containing methamphetamine is guilty of a Class X  
14          felony, subject to a term of imprisonment of not less  
15          than 15 years and not more than 60 years, and subject  
16          to a fine not to exceed \$400,000 or the street value of  
17          the methamphetamine, whichever is greater.

18          (b) Aggravated participation in methamphetamine  
19          manufacturing.

20           (1) It is unlawful to engage in aggravated  
21           participation in the manufacture of methamphetamine. A  
22           person engages in aggravated participation in the  
23           manufacture of methamphetamine when the person violates  
24           paragraph (1) of subsection (a) and:

25           (A) the person knowingly does so in a multi-unit  
26           dwelling;

1 (B) the person knowingly does so in a structure or  
2 vehicle where a child under the age of 18, a person  
3 with a disability, or a person 60 years of age or older  
4 who is incapable of adequately providing for his or her  
5 own health and personal care resides, is present, or is  
6 endangered by the manufacture of methamphetamine;

7 (C) the person does so in a structure or vehicle  
8 where a woman the person knows to be pregnant  
9 (including but not limited to the person herself)  
10 resides, is present, or is endangered by the  
11 methamphetamine manufacture;

12 (D) the person knowingly does so in a structure or  
13 vehicle protected by one or more firearms, explosive  
14 devices, booby traps, alarm systems, surveillance  
15 systems, guard dogs, or dangerous animals;

16 (E) the methamphetamine manufacturing in which the  
17 person participates is a contributing cause of the  
18 death, serious bodily injury, disability, or  
19 disfigurement of another person, including but not  
20 limited to an emergency service provider;

21 (F) the methamphetamine manufacturing in which the  
22 person participates is a contributing cause of a fire  
23 or explosion that damages property belonging to  
24 another person;

25 (G) the person knowingly organizes, directs, or  
26 finances the methamphetamine manufacturing or

1 activities carried out in support of the  
2 methamphetamine manufacturing; or

3 (H) the methamphetamine manufacturing occurs  
4 within 500 ~~1,000~~ feet of a place of worship or  
5 parsonage, or within 500 ~~1,000~~ feet of the real  
6 property comprising any school at a time when children,  
7 clergy, patrons, staff, or other persons are present or  
8 any activity sanctioned by the place of worship or  
9 parsonage or school is taking place.

10 (2) A person who violates paragraph (1) of this  
11 subsection (b) is subject to the following penalties:

12 (A) A person who participates in the manufacture of  
13 less than 15 grams of methamphetamine or a substance  
14 containing methamphetamine is guilty of a Class X  
15 felony, subject to a term of imprisonment of not less  
16 than 6 years and not more than 30 years, and subject to  
17 a fine not to exceed \$100,000 or the street value of  
18 the methamphetamine, whichever is greater.

19 (B) A person who participates in the manufacture of  
20 15 or more grams but less than 100 grams of  
21 methamphetamine or a substance containing  
22 methamphetamine is guilty of a Class X felony, subject  
23 to a term of imprisonment of not less than 9 years and  
24 not more than 40 years, and subject to a fine not to  
25 exceed \$200,000 or the street value of the  
26 methamphetamine, whichever is greater.

1 (C) A person who participates in the manufacture of  
2 100 or more grams but less than 400 grams of  
3 methamphetamine or a substance containing  
4 methamphetamine is guilty of a Class X felony, subject  
5 to a term of imprisonment of not less than 12 years and  
6 not more than 50 years, and subject to a fine not to  
7 exceed \$300,000 or the street value of the  
8 methamphetamine, whichever is greater.

9 (D) A person who participates in the manufacture of  
10 400 grams or more of methamphetamine or a substance  
11 containing methamphetamine is guilty of a Class X  
12 felony, subject to a term of imprisonment of not less  
13 than 15 years and not more than 60 years, and subject  
14 to a fine not to exceed \$400,000 or the street value of  
15 the methamphetamine, whichever is greater.

16 (Source: P.A. 98-980, eff. 1-1-15.)

17 (720 ILCS 646/55)

18 Sec. 55. Methamphetamine delivery.

19 (a) Delivery or possession with intent to deliver  
20 methamphetamine or a substance containing methamphetamine.

21 (1) It is unlawful knowingly to engage in the delivery  
22 or possession with intent to deliver methamphetamine or a  
23 substance containing methamphetamine.

24 (2) A person who violates paragraph (1) of this  
25 subsection (a) is subject to the following penalties:

1           (A) A person who delivers or possesses with intent  
2 to deliver less than 5 grams of methamphetamine or a  
3 substance containing methamphetamine is guilty of a  
4 Class 2 felony.

5           (B) A person who delivers or possesses with intent  
6 to deliver 5 or more grams but less than 15 grams of  
7 methamphetamine or a substance containing  
8 methamphetamine is guilty of a Class 1 felony.

9           (C) A person who delivers or possesses with intent  
10 to deliver 15 or more grams but less than 100 grams of  
11 methamphetamine or a substance containing  
12 methamphetamine is guilty of a Class X felony, subject  
13 to a term of imprisonment of not less than 6 years and  
14 not more than 30 years, and subject to a fine not to  
15 exceed \$100,000 or the street value of the  
16 methamphetamine, whichever is greater.

17           (D) A person who delivers or possesses with intent  
18 to deliver 100 or more grams but less than 400 grams of  
19 methamphetamine or a substance containing  
20 methamphetamine is guilty of a Class X felony, subject  
21 to a term of imprisonment of not less than 9 years and  
22 not more than 40 years, and subject to a fine not to  
23 exceed \$200,000 or the street value of the  
24 methamphetamine, whichever is greater.

25           (E) A person who delivers or possesses with intent  
26 to deliver 400 or more grams but less than 900 grams of

1           methamphetamine or a substance containing  
2           methamphetamine is guilty of a Class X felony, subject  
3           to a term of imprisonment of not less than 12 years and  
4           not more than 50 years, and subject to a fine not to  
5           exceed \$300,000 or the street value of the  
6           methamphetamine, whichever is greater.

7           (F) A person who delivers or possesses with intent  
8           to deliver 900 or more grams of methamphetamine or a  
9           substance containing methamphetamine is guilty of a  
10          Class X felony, subject to a term of imprisonment of  
11          not less than 15 years and not more than 60 years, and  
12          subject to a fine not to exceed \$400,000 or the street  
13          value of the methamphetamine, whichever is greater.

14          (b) Aggravated delivery or possession with intent to  
15          deliver methamphetamine or a substance containing  
16          methamphetamine.

17               (1) It is unlawful to engage in the aggravated delivery  
18               or possession with intent to deliver methamphetamine or a  
19               substance containing methamphetamine. A person engages in  
20               the aggravated delivery or possession with intent to  
21               deliver methamphetamine or a substance containing  
22               methamphetamine when the person violates paragraph (1) of  
23               subsection (a) of this Section and:

24                       (A) the person is at least 18 years of age and  
25                       knowingly delivers or possesses with intent to deliver  
26                       the methamphetamine or substance containing

1 methamphetamine to a person under 18 years of age;

2 (B) the person is at least 18 years of age and  
3 knowingly uses, engages, employs, or causes another  
4 person to use, engage, or employ a person under 18  
5 years of age to deliver the methamphetamine or  
6 substance containing methamphetamine;

7 (C) the person knowingly delivers or possesses  
8 with intent to deliver the methamphetamine or  
9 substance containing methamphetamine in any structure  
10 or vehicle protected by one or more firearms, explosive  
11 devices, booby traps, alarm systems, surveillance  
12 systems, guard dogs, or dangerous animals;

13 (D) the person knowingly delivers or possesses  
14 with intent to deliver the methamphetamine or  
15 substance containing methamphetamine in any school, on  
16 any real property comprising any school, or in any  
17 conveyance owned, leased, or contracted by a school to  
18 transport students to or from school or a  
19 school-related activity and at the time of the  
20 violation persons under the age of 18 are present, the  
21 offense is committed during school hours, or the  
22 offense is committed at times when persons under the  
23 age of 18 are reasonably expected to be present in the  
24 school, in the conveyance, or on the real property,  
25 such as when after-school activities are occurring;

26 (E) the person delivers or causes another person to

1 deliver the methamphetamine or substance containing  
2 methamphetamine to a woman that the person knows to be  
3 pregnant; or

4 (F) (blank).

5 (2) A person who violates paragraph (1) of this  
6 subsection (b) is subject to the following penalties:

7 (A) A person who delivers or possesses with intent  
8 to deliver less than 5 grams of methamphetamine or a  
9 substance containing methamphetamine is guilty of a  
10 Class 1 felony.

11 (B) A person who delivers or possesses with intent  
12 to deliver 5 or more grams but less than 15 grams of  
13 methamphetamine or a substance containing  
14 methamphetamine is guilty of a Class X felony, subject  
15 to a term of imprisonment of not less than 6 years and  
16 not more than 30 years, and subject to a fine not to  
17 exceed \$100,000 or the street value of the  
18 methamphetamine, whichever is greater.

19 (C) A person who delivers or possesses with intent  
20 to deliver 15 or more grams but less than 100 grams of  
21 methamphetamine or a substance containing  
22 methamphetamine is guilty of a Class X felony, subject  
23 to a term of imprisonment of not less than 8 years and  
24 not more than 40 years, and subject to a fine not to  
25 exceed \$200,000 or the street value of the  
26 methamphetamine, whichever is greater.



1 (D) A person who delivers or possesses with intent  
2 to deliver 100 or more grams of methamphetamine or a  
3 substance containing methamphetamine is guilty of a  
4 Class X felony, subject to a term of imprisonment of  
5 not less than 10 years and not more than 50 years, and  
6 subject to a fine not to exceed \$300,000 or the street  
7 value of the methamphetamine, whichever is greater.

8 (Source: P.A. 94-556, eff. 9-11-05; 94-830, eff. 6-5-06.)

9 (720 ILCS 646/70)

10 Sec. 70. Probation.

11 (a) Whenever any person who has not previously been  
12 convicted of, ~~or placed on probation or court supervision for~~  
13 any felony offense under this Act, the Illinois Controlled  
14 Substances Act, the Cannabis Control Act, or any law of the  
15 United States or of any state relating to cannabis or  
16 controlled substances, pleads guilty to or is found guilty of  
17 possession of less than 15 grams of methamphetamine under  
18 paragraph (1) or (2) of subsection (b) of Section 60 of this  
19 Act, the court, without entering a judgment and with the  
20 consent of the person, may sentence him or her to probation.

21 (b) When a person is placed on probation, the court shall  
22 enter an order specifying a period of probation of 24 months  
23 and shall defer further proceedings in the case until the  
24 conclusion of the period or until the filing of a petition  
25 alleging violation of a term or condition of probation.

1 (c) The conditions of probation shall be that the person:

2 (1) not violate any criminal statute of any  
3 jurisdiction;

4 (2) refrain from possessing a firearm or other  
5 dangerous weapon;

6 (3) submit to periodic drug testing at a time and in a  
7 manner as ordered by the court, but no less than 3 times  
8 during the period of the probation, with the cost of the  
9 testing to be paid by the probationer; and

10 (4) perform no less than 30 hours of community service,  
11 if community service is available in the jurisdiction and  
12 is funded and approved by the county board.

13 (d) The court may, in addition to other conditions, require  
14 that the person take one or more of the following actions:

15 (1) make a report to and appear in person before or  
16 participate with the court or such courts, person, or  
17 social service agency as directed by the court in the order  
18 of probation;

19 (2) pay a fine and costs;

20 (3) work or pursue a course of study or vocational  
21 training;

22 (4) undergo medical or psychiatric treatment; or  
23 treatment or rehabilitation approved by the Illinois  
24 Department of Human Services;

25 (5) attend or reside in a facility established for the  
26 instruction or residence of defendants on probation;

1 (6) support his or her dependents;

2 (7) refrain from having in his or her body the presence  
3 of any illicit drug prohibited by this Act, the Cannabis  
4 Control Act, or the Illinois Controlled Substances Act,  
5 unless prescribed by a physician, and submit samples of his  
6 or her blood or urine or both for tests to determine the  
7 presence of any illicit drug; or

8 (8) if a minor:

9 (i) reside with his or her parents or in a foster  
10 home;

11 (ii) attend school;

12 (iii) attend a non-residential program for youth;

13 or

14 (iv) contribute to his or her own support at home  
15 or in a foster home.

16 (e) Upon violation of a term or condition of probation, the  
17 court may enter a judgment on its original finding of guilt and  
18 proceed as otherwise provided.

19 (f) Upon fulfillment of the terms and conditions of  
20 probation, the court shall discharge the person and dismiss the  
21 proceedings against the person.

22 (g) A disposition of probation is considered to be a  
23 conviction for the purposes of imposing the conditions of  
24 probation and for appeal, however, discharge and dismissal  
25 under this Section is not a conviction for purposes of this Act  
26 or for purposes of disqualifications or disabilities imposed by

1 law upon conviction of a crime.

2 (h) A person may not have more than ~~There may be only one~~  
3 discharge and dismissal under this Section within a 4-year  
4 period, ~~Section 410 of the Illinois Controlled Substances Act,~~  
5 ~~Section 10 of the Cannabis Control Act, Section 5-6-3.3 or~~  
6 ~~5-6-3.4 of the Unified Code of Corrections, or subsection (c)~~  
7 ~~of Section 11-14 of the Criminal Code of 1961 or the Criminal~~  
8 ~~Code of 2012 with respect to any person.~~

9 (i) If a person is convicted of an offense under this Act,  
10 the Cannabis Control Act, or the Illinois Controlled Substances  
11 Act within 5 years subsequent to a discharge and dismissal  
12 under this Section, the discharge and dismissal under this  
13 Section are admissible in the sentencing proceeding for that  
14 conviction as evidence in aggravation.

15 (j) Notwithstanding subsection (a), before a person is  
16 sentenced to probation under this Section, the court may refer  
17 the person to the drug court established in that judicial  
18 circuit pursuant to Section 15 of the Drug Court Treatment Act.  
19 The drug court team shall evaluate the person's likelihood of  
20 successfully completing a sentence of probation under this  
21 Section and shall report the results of its evaluation to the  
22 court. If the drug court team finds that the person suffers  
23 from a substance abuse problem that makes him or her  
24 substantially unlikely to successfully complete a sentence of  
25 probation under this Section, then the drug court shall set  
26 forth its findings in the form of a written order, and the

1 person shall not be sentenced to probation under this Section,  
2 but shall ~~may~~ be considered for the drug court program.

3 (Source: P.A. 98-164, eff. 1-1-14; 99-480, eff. 9-9-15.)

4 Section 35. The Unified Code of Corrections is amended by  
5 changing Sections 3-3-8, 3-6-3, 5-4.5-95, 5-6-3.3, 5-6-3.4,  
6 and 5-8-8 and by adding Section 5-4.5-110 as follows:

7 (730 ILCS 5/3-3-8) (from Ch. 38, par. 1003-3-8)

8 Sec. 3-3-8. Length of parole and mandatory supervised  
9 release; discharge.

10 (a) The length of parole for a person sentenced under the  
11 law in effect prior to the effective date of this amendatory  
12 Act of 1977 and the length of mandatory supervised release for  
13 those sentenced under the law in effect on and after such  
14 effective date shall be as set out in Section 5-8-1 unless  
15 sooner terminated under paragraph (b) of this Section.

16 (b) The Prisoner Review Board may enter an order releasing  
17 and discharging one from parole or mandatory supervised  
18 release, and his or her commitment to the Department, when it  
19 determines that he or she is likely to remain at liberty  
20 without committing another offense.

21 (b-1) Provided that the subject is in compliance with the  
22 terms and conditions of his or her parole or mandatory  
23 supervised release, the Prisoner Review Board may reduce the  
24 period of a parolee or releasee's parole or mandatory

1 supervised release by 90 days upon the parolee or releasee  
2 receiving a high school diploma or upon passage of high school  
3 equivalency testing during the period of his or her parole or  
4 mandatory supervised release. This reduction in the period of a  
5 subject's term of parole or mandatory supervised release shall  
6 be available only to subjects who have not previously earned a  
7 high school diploma or who have not previously passed high  
8 school equivalency testing.

9 (b-2) The Prisoner Review Board may release a low-risk and  
10 need subject person from mandatory supervised release as  
11 determined by an appropriate evidence-based risk and need  
12 assessment.

13 (c) The order of discharge shall become effective upon  
14 entry of the order of the Board. The Board shall notify the  
15 clerk of the committing court of the order. Upon receipt of  
16 such copy, the clerk shall make an entry on the record judgment  
17 that the sentence or commitment has been satisfied pursuant to  
18 the order.

19 (d) Rights of the person discharged under this Section  
20 shall be restored under Section 5-5-5.

21 (Source: P.A. 98-558, eff. 1-1-14; 98-718, eff. 1-1-15; 99-268,  
22 eff. 1-1-16; 99-628, eff. 1-1-17.)

23 (730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)

24 (Text of Section before amendment by P.A. 99-938)

25 Sec. 3-6-3. Rules and regulations for sentence credit.

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

5           (1.5) As otherwise provided by law, sentence credit may be  
6 awarded for the following:

7           (A) successful completion of programming while in  
8 custody of the Department or while in custody prior to  
9 sentencing;

10           (B) compliance with the rules and regulations of the  
11 Department; or

12           (C) service to the institution, service to a community,  
13 or service to the State.

14           (2) The rules and regulations on sentence credit shall  
15 provide, with respect to offenses listed in clause (i), (ii),  
16 or (iii) of this paragraph (2) committed on or after June 19,  
17 1998 or with respect to the offense listed in clause (iv) of  
18 this paragraph (2) committed on or after June 23, 2005 (the  
19 effective date of Public Act 94-71) or with respect to offense  
20 listed in clause (vi) committed on or after June 1, 2008 (the  
21 effective date of Public Act 95-625) or with respect to the  
22 offense of being an armed habitual criminal committed on or  
23 after August 2, 2005 (the effective date of Public Act 94-398)  
24 or with respect to the offenses listed in clause (v) of this  
25 paragraph (2) committed on or after August 13, 2007 (the  
26 effective date of Public Act 95-134) or with respect to the

1 offense of aggravated domestic battery committed on or after  
2 July 23, 2010 (the effective date of Public Act 96-1224) or  
3 with respect to the offense of attempt to commit terrorism  
4 committed on or after January 1, 2013 (the effective date of  
5 Public Act 97-990), the following:

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

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



1           (iii) that a prisoner serving a sentence for home  
2 invasion, armed robbery, aggravated vehicular hijacking,  
3 aggravated discharge of a firearm, or armed violence with a  
4 category I weapon or category II weapon, when the court has  
5 made and entered a finding, pursuant to subsection (c-1) of  
6 Section 5-4-1 of this Code, that the conduct leading to  
7 conviction for the enumerated offense resulted in great  
8 bodily harm to a victim, shall receive no more than 4.5  
9 days of sentence credit for each month of his or her  
10 sentence of imprisonment;

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

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

1 conspiracy, street gang criminal drug conspiracy,  
2 participation in methamphetamine manufacturing, aggravated  
3 participation in methamphetamine manufacturing, delivery  
4 of methamphetamine, possession with intent to deliver  
5 methamphetamine, aggravated delivery of methamphetamine,  
6 aggravated possession with intent to deliver  
7 methamphetamine, methamphetamine conspiracy when the  
8 substance containing the controlled substance or  
9 methamphetamine is 100 grams or more shall receive no more  
10 than 7.5 days sentence credit for each month of his or her  
11 sentence of imprisonment;

12 (vi) that a prisoner serving a sentence for a second or  
13 subsequent offense of luring a minor shall receive no more  
14 than 4.5 days of sentence credit for each month of his or  
15 her sentence of imprisonment; and

16 (vii) that a prisoner serving a sentence for aggravated  
17 domestic battery shall receive no more than 4.5 days of  
18 sentence credit for each month of his or her sentence of  
19 imprisonment.

20 (2.1) For all offenses, other than those enumerated in  
21 subdivision (a)(2)(i), (ii), or (iii) committed on or after  
22 June 19, 1998 or subdivision (a)(2)(iv) committed on or after  
23 June 23, 2005 (the effective date of Public Act 94-71) or  
24 subdivision (a)(2)(v) committed on or after August 13, 2007  
25 (the effective date of Public Act 95-134) or subdivision  
26 (a)(2)(vi) committed on or after June 1, 2008 (the effective

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

20 (2.2) A prisoner serving a term of natural life  
21 imprisonment or a prisoner who has been sentenced to death  
22 shall receive no sentence credit.

23 (2.3) The rules and regulations on sentence credit shall  
24 provide that a prisoner who is serving a sentence for  
25 aggravated driving under the influence of alcohol, other drug  
26 or drugs, or intoxicating compound or compounds, or any

1 combination thereof as defined in subparagraph (F) of paragraph  
2 (1) of subsection (d) of Section 11-501 of the Illinois Vehicle  
3 Code, shall receive no more than 4.5 days of sentence credit  
4 for each month of his or her sentence of imprisonment.

5 (2.4) The rules and regulations on sentence credit shall  
6 provide with respect to the offenses of aggravated battery with  
7 a machine gun or a firearm equipped with any device or  
8 attachment designed or used for silencing the report of a  
9 firearm or aggravated discharge of a machine gun or a firearm  
10 equipped with any device or attachment designed or used for  
11 silencing the report of a firearm, committed on or after July  
12 15, 1999 (the effective date of Public Act 91-121), that a  
13 prisoner serving a sentence for any of these offenses shall  
14 receive no more than 4.5 days of sentence credit for each month  
15 of his or her sentence of imprisonment.

16 (2.5) The rules and regulations on sentence credit shall  
17 provide that a prisoner who is serving a sentence for  
18 aggravated arson committed on or after July 27, 2001 (the  
19 effective date of Public Act 92-176) shall receive no more than  
20 4.5 days of sentence credit for each month of his or her  
21 sentence of imprisonment.

22 (2.6) The rules and regulations on sentence credit shall  
23 provide that a prisoner who is serving a sentence for  
24 aggravated driving under the influence of alcohol, other drug  
25 or drugs, or intoxicating compound or compounds or any  
26 combination thereof as defined in subparagraph (C) of paragraph

1 (1) of subsection (d) of Section 11-501 of the Illinois Vehicle  
2 Code committed on or after January 1, 2011 (the effective date  
3 of Public Act 96-1230) shall receive no more than 4.5 days of  
4 sentence credit for each month of his or her sentence of  
5 imprisonment.

6 (3) The rules and regulations shall also provide that the  
7 Director may award up to 180 days additional sentence credit  
8 for good conduct in specific instances as the Director deems  
9 proper. The good conduct may include, but is not limited to,  
10 compliance with the rules and regulations of the Department,  
11 service to the Department, service to a community, or service  
12 to the State. However, the Director shall not award more than  
13 90 days of sentence credit for good conduct to any prisoner who  
14 is serving a sentence for conviction of first degree murder,  
15 reckless homicide while under the influence of alcohol or any  
16 other drug, or aggravated driving under the influence of  
17 alcohol, other drug or drugs, or intoxicating compound or  
18 compounds, or any combination thereof as defined in  
19 subparagraph (F) of paragraph (1) of subsection (d) of Section  
20 11-501 of the Illinois Vehicle Code, aggravated kidnapping,  
21 kidnapping, predatory criminal sexual assault of a child,  
22 aggravated criminal sexual assault, criminal sexual assault,  
23 deviate sexual assault, aggravated criminal sexual abuse,  
24 aggravated indecent liberties with a child, indecent liberties  
25 with a child, child pornography, heinous battery as described  
26 in Section 12-4.1 or subdivision (a) (2) of Section 12-3.05,

1 aggravated battery of a spouse, aggravated battery of a spouse  
2 with a firearm, stalking, aggravated stalking, aggravated  
3 battery of a child as described in Section 12-4.3 or  
4 subdivision (b) (1) of Section 12-3.05, endangering the life or  
5 health of a child, or cruelty to a child. Notwithstanding the  
6 foregoing, sentence credit for good conduct shall not be  
7 awarded on a sentence of imprisonment imposed for conviction  
8 of: (i) one of the offenses enumerated in subdivision  
9 (a) (2) (i), (ii), or (iii) when the offense is committed on or  
10 after June 19, 1998 or subdivision (a) (2) (iv) when the offense  
11 is committed on or after June 23, 2005 (the effective date of  
12 Public Act 94-71) or subdivision (a) (2) (v) when the offense is  
13 committed on or after August 13, 2007 (the effective date of  
14 Public Act 95-134) or subdivision (a) (2) (vi) when the offense  
15 is committed on or after June 1, 2008 (the effective date of  
16 Public Act 95-625) or subdivision (a) (2) (vii) when the offense  
17 is committed on or after July 23, 2010 (the effective date of  
18 Public Act 96-1224), (ii) aggravated driving under the  
19 influence of alcohol, other drug or drugs, or intoxicating  
20 compound or 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, (iii) one of the offenses  
23 enumerated in subdivision (a) (2.4) when the offense is  
24 committed on or after July 15, 1999 (the effective date of  
25 Public Act 91-121), (iv) aggravated arson when the offense is  
26 committed on or after July 27, 2001 (the effective date of

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

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

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

25 (A) is eligible for the sentence credit;

26 (B) has served a minimum of 60 days, or as close to 60

1 days as the sentence will allow; and

2 (C) has met the eligibility criteria established by  
3 rule.

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

6 (3.5) The Department shall provide annual written reports  
7 to the Governor and the General Assembly on the award of  
8 sentence credit for good conduct, with the first report due  
9 January 1, 2014. The Department must publish both reports on  
10 its website within 48 hours of transmitting the reports to the  
11 Governor and the General Assembly. The reports must include:

12 (A) the number of inmates awarded sentence credit for  
13 good conduct;

14 (B) the average amount of sentence credit for good  
15 conduct awarded;

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

18 (D) the number of sentence credit for good conduct  
19 revocations.

20 (4) The rules and regulations shall also provide that the  
21 sentence credit accumulated and retained under paragraph (2.1)  
22 of subsection (a) of this Section by any inmate during specific  
23 periods of time in which such inmate is engaged full-time in  
24 substance abuse programs, correctional industry assignments,  
25 educational programs, behavior modification programs, life  
26 skills courses, or re-entry planning provided by the Department



1 under this paragraph (4) and satisfactorily completes the  
2 assigned program as determined by the standards of the  
3 Department, shall be multiplied by a factor of 1.25 for program  
4 participation before August 11, 1993 and 1.50 for program  
5 participation on or after that date. The rules and regulations  
6 shall also provide that sentence credit, subject to the same  
7 offense limits and multiplier provided in this paragraph, may  
8 be provided to an inmate who was held in pre-trial detention  
9 prior to his or her current commitment to the Department of  
10 Corrections and successfully completed a full-time, 60-day or  
11 longer substance abuse program, educational program, behavior  
12 modification program, life skills course, or re-entry planning  
13 provided by the county department of corrections or county  
14 jail. Calculation of this county program credit shall be done  
15 at sentencing as provided in Section 5-4.5-100 of this Code and  
16 shall be included in the sentencing order. However, no inmate  
17 shall be eligible for the additional sentence credit under this  
18 paragraph (4) or (4.1) of this subsection (a) while assigned to  
19 a boot camp or electronic detention, or if convicted of an  
20 offense enumerated in subdivision (a)(2)(i), (ii), or (iii) of  
21 this Section that is committed on or after June 19, 1998 or  
22 subdivision (a)(2)(iv) of this Section that is committed on or  
23 after June 23, 2005 (the effective date of Public Act 94-71) or  
24 subdivision (a)(2)(v) of this Section that is committed on or  
25 after August 13, 2007 (the effective date of Public Act 95-134)  
26 or subdivision (a)(2)(vi) when the offense is committed on or

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

1 been convicted of a felony, or (ii) has previously served more  
2 than one prior sentence of imprisonment for a felony in an  
3 adult correctional facility.

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

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

25 (4.1) The rules and regulations shall also provide that an  
26 additional 90 days of sentence credit shall be awarded to any

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

18 (4.5) The rules and regulations on sentence credit shall  
19 also provide that when the court's sentencing order recommends  
20 a prisoner for substance abuse treatment and the crime was  
21 committed on or after September 1, 2003 (the effective date of  
22 Public Act 93-354), the prisoner shall receive no sentence  
23 credit awarded under clause (3) of this subsection (a) unless  
24 he or she participates in and completes a substance abuse  
25 treatment program. The Director may waive the requirement to  
26 participate in or complete a substance abuse treatment program

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

18 (4.6) The rules and regulations on sentence credit shall  
19 also provide that a prisoner who has been convicted of a sex  
20 offense as defined in Section 2 of the Sex Offender  
21 Registration Act shall receive no sentence credit unless he or  
22 she either has successfully completed or is participating in  
23 sex offender treatment as defined by the Sex Offender  
24 Management Board. However, prisoners who are waiting to receive  
25 treatment, but who are unable to do so due solely to the lack  
26 of resources on the part of the Department, may, at the

1 Director's sole discretion, be awarded sentence credit at a  
2 rate as the Director shall determine.

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

24 (b) Whenever a person is or has been committed under  
25 several convictions, with separate sentences, the sentences  
26 shall be construed under Section 5-8-4 in granting and

1 forfeiting of sentence credit.

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

11 When the Department seeks to revoke, suspend or reduce the  
12 rate of accumulation of any sentence credits for an alleged  
13 infraction of its rules, it shall bring charges therefor  
14 against the prisoner sought to be so deprived of sentence  
15 credits before the Prisoner Review Board as provided in  
16 subparagraph (a)(4) of Section 3-3-2 of this Code, if the  
17 amount of credit at issue exceeds 30 days or when during any 12  
18 month period, the cumulative amount of credit revoked exceeds  
19 30 days except where the infraction is committed or discovered  
20 within 60 days of scheduled release. In those cases, the  
21 Department of Corrections may revoke up to 30 days of sentence  
22 credit. The Board may subsequently approve the revocation of  
23 additional sentence credit, if the Department seeks to revoke  
24 sentence credit in excess of 30 days. However, the Board shall  
25 not be empowered to review the Department's decision with  
26 respect to the loss of 30 days of sentence credit within any

1 calendar year for any prisoner or to increase any penalty  
2 beyond the length requested by the Department.

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

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

15 (d) If a lawsuit is filed by a prisoner in an Illinois or  
16 federal court against the State, the Department of Corrections,  
17 or the Prisoner Review Board, or against any of their officers  
18 or employees, and the court makes a specific finding that a  
19 pleading, motion, or other paper filed by the prisoner is  
20 frivolous, the Department of Corrections shall conduct a  
21 hearing to revoke up to 180 days of sentence credit by bringing  
22 charges against the prisoner sought to be deprived of the  
23 sentence credits before the Prisoner Review Board as provided  
24 in subparagraph (a)(8) of Section 3-3-2 of this Code. If the  
25 prisoner has not accumulated 180 days of sentence credit at the  
26 time of the finding, then the Prisoner Review Board may revoke



1 all sentence credit accumulated by the prisoner.

2 For purposes of this subsection (d):

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

7 (A) it lacks an arguable basis either in law or in  
8 fact;

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

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

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

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

26 (2) "Lawsuit" means a motion pursuant to Section 116-3

1 of the Code of Criminal Procedure of 1963, a habeas corpus  
2 action under Article X of the Code of Civil Procedure or  
3 under federal law (28 U.S.C. 2254), a petition for claim  
4 under the Court of Claims Act, an action under the federal  
5 Civil Rights Act (42 U.S.C. 1983), or a second or  
6 subsequent petition for post-conviction relief under  
7 Article 122 of the Code of Criminal Procedure of 1963  
8 whether filed with or without leave of court or a second or  
9 subsequent petition for relief from judgment under Section  
10 2-1401 of the Code of Civil Procedure.

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

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

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

23 (Text of Section after amendment by P.A. 99-938)

24 Sec. 3-6-3. Rules and regulations for sentence credit.

25 (a) (1) The Department of Corrections shall prescribe rules

1 and regulations for awarding and revoking sentence credit for  
2 persons committed to the Department which shall be subject to  
3 review by the Prisoner Review Board.

4 (1.5) As otherwise provided by law, sentence credit may be  
5 awarded for the following:

6 (A) successful completion of programming while in  
7 custody of the Department or while in custody prior to  
8 sentencing;

9 (B) compliance with the rules and regulations of the  
10 Department; or

11 (C) service to the institution, service to a community,  
12 or service to the State.

13 (2) Except as provided in paragraph (4.7) of this  
14 subsection (a), the ~~The~~ rules and regulations on sentence  
15 credit shall provide, with respect to offenses listed in clause  
16 (i), (ii), or (iii) of this paragraph (2) committed on or after  
17 June 19, 1998 or with respect to the offense listed in clause  
18 (iv) of this paragraph (2) committed on or after June 23, 2005  
19 (the effective date of Public Act 94-71) or with respect to  
20 offense listed in clause (vi) committed on or after June 1,  
21 2008 (the effective date of Public Act 95-625) or with respect  
22 to the offense of being an armed habitual criminal committed on  
23 or after August 2, 2005 (the effective date of Public Act  
24 94-398) or with respect to the offenses listed in clause (v) of  
25 this paragraph (2) committed on or after August 13, 2007 (the  
26 effective date of Public Act 95-134) or with respect to the

1 offense of aggravated domestic battery committed on or after  
2 July 23, 2010 (the effective date of Public Act 96-1224) or  
3 with respect to the offense of attempt to commit terrorism  
4 committed on or after January 1, 2013 (the effective date of  
5 Public Act 97-990), the following:

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

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

1           (iii) that a prisoner serving a sentence for home  
2           invasion, armed robbery, aggravated vehicular hijacking,  
3           aggravated discharge of a firearm, or armed violence with a  
4           category I weapon or category II weapon, when the court has  
5           made and entered a finding, pursuant to subsection (c-1) of  
6           Section 5-4-1 of this Code, that the conduct leading to  
7           conviction for the enumerated offense resulted in great  
8           bodily harm to a victim, shall receive no more than 4.5  
9           days of sentence credit for each month of his or her  
10          sentence of imprisonment;

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

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

1 conspiracy, street gang criminal drug conspiracy,  
2 participation in methamphetamine manufacturing, aggravated  
3 participation in methamphetamine manufacturing, delivery  
4 of methamphetamine, possession with intent to deliver  
5 methamphetamine, aggravated delivery of methamphetamine,  
6 aggravated possession with intent to deliver  
7 methamphetamine, methamphetamine conspiracy when the  
8 substance containing the controlled substance or  
9 methamphetamine is 100 grams or more shall receive no more  
10 than 7.5 days sentence credit for each month of his or her  
11 sentence of imprisonment;

12 (vi) that a prisoner serving a sentence for a second or  
13 subsequent offense of luring a minor shall receive no more  
14 than 4.5 days of sentence credit for each month of his or  
15 her sentence of imprisonment; and

16 (vii) that a prisoner serving a sentence for aggravated  
17 domestic battery shall receive no more than 4.5 days of  
18 sentence credit for each month of his or her sentence of  
19 imprisonment.

20 (2.1) For all offenses, other than those enumerated in  
21 subdivision (a)(2)(i), (ii), or (iii) committed on or after  
22 June 19, 1998 or subdivision (a)(2)(iv) committed on or after  
23 June 23, 2005 (the effective date of Public Act 94-71) or  
24 subdivision (a)(2)(v) committed on or after August 13, 2007  
25 (the effective date of Public Act 95-134) or subdivision  
26 (a)(2)(vi) committed on or after June 1, 2008 (the effective

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

20 (2.2) A prisoner serving a term of natural life  
21 imprisonment or a prisoner who has been sentenced to death  
22 shall receive no sentence credit.

23 (2.3) Except as provided in paragraph (4.7) of this  
24 subsection (a), the ~~The~~ rules and regulations on sentence  
25 credit shall provide that a prisoner who is serving a sentence  
26 for aggravated driving under the influence of alcohol, other

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

6 (2.4) Except as provided in paragraph (4.7) of this  
7 subsection (a), the ~~The~~ rules and regulations on sentence  
8 credit shall provide with respect to the offenses of aggravated  
9 battery with a machine gun or a firearm equipped with any  
10 device or attachment designed or used for silencing the report  
11 of a firearm or aggravated discharge of a machine gun or a  
12 firearm equipped with any device or attachment designed or used  
13 for silencing the report of a firearm, committed on or after  
14 July 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) Except as provided in paragraph (4.7) of this  
19 subsection (a), the ~~The~~ rules and regulations on sentence  
20 credit shall provide that a prisoner who is serving a sentence  
21 for aggravated arson committed on or after July 27, 2001 (the  
22 effective date of Public Act 92-176) shall receive no more than  
23 4.5 days of sentence credit for each month of his or her  
24 sentence of imprisonment.

25 (2.6) Except as provided in paragraph (4.7) of this  
26 subsection (a), the ~~The~~ rules and regulations on sentence



1 credit shall provide that a prisoner who is serving a sentence  
2 for aggravated driving under the influence of alcohol, other  
3 drug or drugs, or intoxicating compound or compounds or any  
4 combination thereof as defined in subparagraph (C) of paragraph  
5 (1) of subsection (d) of Section 11-501 of the Illinois Vehicle  
6 Code committed on or after January 1, 2011 (the effective date  
7 of Public Act 96-1230) shall receive no more than 4.5 days of  
8 sentence credit for each month of his or her sentence of  
9 imprisonment.

10 (3) Except as provided in paragraph (4.7) of this  
11 subsection (a), the ~~The~~ rules and regulations shall also  
12 provide that the Director may award up to 180 days of earned  
13 sentence credit for good conduct in specific instances as the  
14 Director deems proper. The good conduct may include, but is not  
15 limited to, compliance with the rules and regulations of the  
16 Department, service to the Department, service to a community,  
17 or service to the State.

18 Eligible inmates for an award of earned sentence credit  
19 under this paragraph (3) may be selected to receive the credit  
20 at the Director's or his or her designee's sole discretion.  
21 Eligibility for the additional earned sentence credit under  
22 this paragraph (3) shall be based on, but is not limited to,  
23 the results of any available risk/needs assessment or other  
24 relevant assessments or evaluations administered by the  
25 Department using a validated instrument, the circumstances of  
26 the crime, any history of conviction for a forcible felony

1 enumerated in Section 2-8 of the Criminal Code of 2012, the  
2 inmate's behavior and disciplinary history while incarcerated,  
3 and the inmate's commitment to rehabilitation, including  
4 participation in programming offered by the Department.

5 The Director shall not award sentence credit under this  
6 paragraph (3) to an inmate unless the inmate has served a  
7 minimum of 60 days of the sentence; except nothing in this  
8 paragraph shall be construed to permit the Director to extend  
9 an inmate's sentence beyond that which was imposed by the  
10 court. Prior to awarding credit under this paragraph (3), the  
11 Director shall make a written determination that the inmate:

12 (A) is eligible for the earned sentence credit;

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

15 (B-1) has received a risk/needs assessment or other  
16 relevant evaluation or assessment administered by the  
17 Department using a validated instrument; and

18 (C) has met the eligibility criteria established under  
19 paragraph (4) of this subsection (a) and by rule for earned  
20 sentence credit.

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

23 (3.5) The Department shall provide annual written reports  
24 to the Governor and the General Assembly on the award of earned  
25 sentence credit no later than February 1 of each year. The  
26 Department must publish both reports on its website within 48

1 hours of transmitting the reports to the Governor and the  
2 General Assembly. The reports must include:

3 (A) the number of inmates awarded earned sentence  
4 credit;

5 (B) the average amount of earned sentence credit  
6 awarded;

7 (C) the holding offenses of inmates awarded earned  
8 sentence credit; and

9 (D) the number of earned sentence credit revocations.

10 (4) Except as provided in paragraph (4.7) of this  
11 subsection (a), the ~~The~~ rules and regulations shall also  
12 provide that the sentence credit accumulated and retained under  
13 paragraph (2.1) of subsection (a) of this Section by any inmate  
14 during specific periods of time in which such inmate is engaged  
15 full-time in substance abuse programs, correctional industry  
16 assignments, educational programs, behavior modification  
17 programs, life skills courses, or re-entry planning provided by  
18 the Department under this paragraph (4) and satisfactorily  
19 completes the assigned program as determined by the standards  
20 of the Department, shall be multiplied by a factor of 1.25 for  
21 program participation before August 11, 1993 and 1.50 for  
22 program participation on or after that date. The rules and  
23 regulations shall also provide that sentence credit, subject to  
24 the same offense limits and multiplier provided in this  
25 paragraph, may be provided to an inmate who was held in  
26 pre-trial detention prior to his or her current commitment to

1 the Department of Corrections and successfully completed a  
2 full-time, 60-day or longer substance abuse program,  
3 educational program, behavior modification program, life  
4 skills course, or re-entry planning provided by the county  
5 department of corrections or county jail. Calculation of this  
6 county program credit shall be done at sentencing as provided  
7 in Section 5-4.5-100 of this Code and shall be included in the  
8 sentencing order. However, no inmate shall be eligible for the  
9 additional sentence credit under this paragraph (4) or (4.1) of  
10 this subsection (a) while assigned to a boot camp or electronic  
11 detention, ~~or if convicted of an offense enumerated in~~  
12 ~~subdivision (a) (2) (i), (ii), or (iii) of this Section that is~~  
13 ~~committed on or after June 19, 1998 or subdivision (a) (2) (iv)~~  
14 ~~of this Section that is committed on or after June 23, 2005~~  
15 ~~(the effective date of Public Act 94-71) or subdivision~~  
16 ~~(a) (2) (v) of this Section that is committed on or after August~~  
17 ~~13, 2007 (the effective date of Public Act 95-134) or~~  
18 ~~subdivision (a) (2) (vi) when the offense is committed on or~~  
19 ~~after June 1, 2008 (the effective date of Public Act 95-625) or~~  
20 ~~subdivision (a) (2) (vii) when the offense is committed on or~~  
21 ~~after July 23, 2010 (the effective date of Public Act 96-1224),~~  
22 ~~or if convicted of aggravated driving under the influence of~~  
23 ~~alcohol, other drug or drugs, or intoxicating compound or~~  
24 ~~compounds or any combination thereof as defined in subparagraph~~  
25 ~~(F) of paragraph (1) of subsection (d) of Section 11-501 of the~~  
26 ~~Illinois Vehicle Code, or if convicted of aggravated driving~~

1 ~~under the influence of alcohol, other drug or drugs, or~~  
2 ~~intoxicating compound or compounds or any combination thereof~~  
3 ~~as defined in subparagraph (C) of paragraph (1) of subsection~~  
4 ~~(d) of Section 11-501 of the Illinois Vehicle Code committed on~~  
5 ~~or after January 1, 2011 (the effective date of Public Act~~  
6 ~~96-1230), or if convicted of an offense enumerated in paragraph~~  
7 ~~(a)(2.4) of this Section that is committed on or after July 15,~~  
8 ~~1999 (the effective date of Public Act 91-121), or first degree~~  
9 ~~murder, a Class X felony, criminal sexual assault, felony~~  
10 ~~criminal sexual abuse, aggravated criminal sexual abuse,~~  
11 ~~aggravated battery with a firearm as described in Section~~  
12 ~~12-4.2 or subdivision (c)(1), (c)(2), (c)(3), or (c)(4) of~~  
13 ~~Section 12-3.05, or any predecessor or successor offenses with~~  
14 ~~the same or substantially the same elements, or any inchoate~~  
15 ~~offenses relating to the foregoing offenses.~~

16 Educational, vocational, substance abuse, behavior  
17 modification programs, life skills courses, re-entry planning,  
18 and correctional industry programs under which sentence credit  
19 may be increased under this paragraph (4) and paragraph (4.1)  
20 of this subsection (a) shall be evaluated by the Department on  
21 the basis of documented standards. The Department shall report  
22 the results of these evaluations to the Governor and the  
23 General Assembly by September 30th of each year. The reports  
24 shall include data relating to the recidivism rate among  
25 program participants.

26 Availability of these programs shall be subject to the

1 limits of fiscal resources appropriated by the General Assembly  
2 for these purposes. Eligible inmates who are denied immediate  
3 admission shall be placed on a waiting list under criteria  
4 established by the Department. The inability of any inmate to  
5 become engaged in any such programs by reason of insufficient  
6 program resources or for any other reason established under the  
7 rules and regulations of the Department shall not be deemed a  
8 cause of action under which the Department or any employee or  
9 agent of the Department shall be liable for damages to the  
10 inmate.

11 (4.1) Except as provided in paragraph (4.7) of this  
12 subsection (a), the ~~The~~ rules and regulations shall also  
13 provide that an additional 90 days of sentence credit shall be  
14 awarded to any prisoner who passes high school equivalency  
15 testing while the prisoner is committed to the Department of  
16 Corrections. The sentence credit awarded under this paragraph  
17 (4.1) shall be in addition to, and shall not affect, the award  
18 of sentence credit under any other paragraph of this Section,  
19 but shall also be pursuant to the guidelines and restrictions  
20 set forth in paragraph (4) of subsection (a) of this Section.  
21 The sentence credit provided for in this paragraph shall be  
22 available only to those prisoners who have not previously  
23 earned a high school diploma or a high school equivalency  
24 certificate. If, after an award of the high school equivalency  
25 testing sentence credit has been made, the Department  
26 determines that the prisoner was not eligible, then the award

1 shall be revoked. The Department may also award 90 days of  
2 sentence credit to any committed person who passed high school  
3 equivalency testing while he or she was held in pre-trial  
4 detention prior to the current commitment to the Department of  
5 Corrections.

6 (4.5) The rules and regulations on sentence credit shall  
7 also provide that when the court's sentencing order recommends  
8 a prisoner for substance abuse treatment and the crime was  
9 committed on or after September 1, 2003 (the effective date of  
10 Public Act 93-354), the prisoner shall receive no sentence  
11 credit awarded under clause (3) of this subsection (a) unless  
12 he or she participates in and completes a substance abuse  
13 treatment program. The Director may waive the requirement to  
14 participate in or complete a substance abuse treatment program  
15 in specific instances if the prisoner is not a good candidate  
16 for a substance abuse treatment program for medical,  
17 programming, or operational reasons. Availability of substance  
18 abuse treatment shall be subject to the limits of fiscal  
19 resources appropriated by the General Assembly for these  
20 purposes. If treatment is not available and the requirement to  
21 participate and complete the treatment has not been waived by  
22 the Director, the prisoner shall be placed on a waiting list  
23 under criteria established by the Department. The Director may  
24 allow a prisoner placed on a waiting list to participate in and  
25 complete a substance abuse education class or attend substance  
26 abuse self-help meetings in lieu of a substance abuse treatment

1 program. A prisoner on a waiting list who is not placed in a  
2 substance abuse program prior to release may be eligible for a  
3 waiver and receive sentence credit under clause (3) of this  
4 subsection (a) at the discretion of the Director.

5 (4.6) The rules and regulations on sentence credit shall  
6 also provide that a prisoner who has been convicted of a sex  
7 offense as defined in Section 2 of the Sex Offender  
8 Registration Act shall receive no sentence credit unless he or  
9 she either has successfully completed or is participating in  
10 sex offender treatment as defined by the Sex Offender  
11 Management Board. However, prisoners who are waiting to receive  
12 treatment, but who are unable to do so due solely to the lack  
13 of resources on the part of the Department, may, at the  
14 Director's sole discretion, be awarded sentence credit at a  
15 rate as the Director shall determine.

16 (4.7) On or after the effective date of this amendatory Act  
17 of the 100th General Assembly, sentence credit under paragraph  
18 (3), (4), or (4.1) of this subsection (a) may be awarded to a  
19 prisoner who is serving a sentence for an offense described in  
20 paragraph (2), (2.3), (2.4), (2.5), or (2.6) for credit earned  
21 on or after the effective date of this amendatory Act of the  
22 100th General Assembly; provided, the award of the credits  
23 under this paragraph (4.7) shall not reduce the sentence of the  
24 prisoner to less than the following amounts:

25 (i) 85% of his or her sentence if the prisoner is  
26 required to serve 85% of his or her sentence; or



1           (ii) 60% of his or her sentence if the prisoner is  
2           required to serve 75% of his or her sentence, except if the  
3           prisoner is serving a sentence for gunrunning his or her  
4           sentence shall not be reduced to less than 75%.

5           This paragraph (4.7) shall not apply to a prisoner serving  
6           a sentence for an offense described in subparagraph (i) of  
7           paragraph (2) of this subsection (a).

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

1 mandatory supervised release or return of the inmate to custody  
2 of the Department.

3 (b) Whenever a person is or has been committed under  
4 several convictions, with separate sentences, the sentences  
5 shall be construed under Section 5-8-4 in granting and  
6 forfeiting of sentence credit.

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

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

1 credit. The Board may subsequently approve the revocation of  
2 additional sentence credit, if the Department seeks to revoke  
3 sentence credit in excess of 30 days. However, the Board shall  
4 not be empowered to review the Department's decision with  
5 respect to the loss of 30 days of sentence credit within any  
6 calendar year for any prisoner or to increase any penalty  
7 beyond the length requested by the Department.

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

15 Nothing contained in this Section shall prohibit the  
16 Prisoner Review Board from ordering, pursuant to Section  
17 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the  
18 sentence imposed by the court that was not served due to the  
19 accumulation of sentence credit.

20 (d) If a lawsuit is filed by a prisoner in an Illinois or  
21 federal court against the State, the Department of Corrections,  
22 or the Prisoner Review Board, or against any of their officers  
23 or employees, and the court makes a specific finding that a  
24 pleading, motion, or other paper filed by the prisoner is  
25 frivolous, the Department of Corrections shall conduct a  
26 hearing to revoke up to 180 days of sentence credit by bringing

1 charges against the prisoner sought to be deprived of the  
2 sentence credits before the Prisoner Review Board as provided  
3 in subparagraph (a)(8) of Section 3-3-2 of this Code. If the  
4 prisoner has not accumulated 180 days of sentence credit at the  
5 time of the finding, then the Prisoner Review Board may revoke  
6 all sentence credit accumulated by the prisoner.

7 For purposes of this subsection (d):

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

12 (A) it lacks an arguable basis either in law or in  
13 fact;

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

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

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

1           (E) the denials of factual contentions are not  
2 warranted on the evidence, or if specifically so  
3 identified, are not reasonably based on a lack of  
4 information or belief.

5           (2) "Lawsuit" means a motion pursuant to Section 116-3  
6 of the Code of Criminal Procedure of 1963, a habeas corpus  
7 action under Article X of the Code of Civil Procedure or  
8 under federal law (28 U.S.C. 2254), a petition for claim  
9 under the Court of Claims Act, an action under the federal  
10 Civil Rights Act (42 U.S.C. 1983), or a second or  
11 subsequent petition for post-conviction relief under  
12 Article 122 of the Code of Criminal Procedure of 1963  
13 whether filed with or without leave of court or a second or  
14 subsequent petition for relief from judgment under Section  
15 2-1401 of the Code of Civil Procedure.

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

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

26           (Source: P.A. 98-718, eff. 1-1-15; 99-241, eff. 1-1-16; 99-275,

1 eff. 1-1-16; 99-642, eff. 7-28-16; 99-938, eff. 1-1-18.)

2 (730 ILCS 5/5-4.5-95)

3 Sec. 5-4.5-95. GENERAL RECIDIVISM PROVISIONS.

4 (a) HABITUAL CRIMINALS.

5 (1) Every person who has been twice convicted in any  
6 state or federal court of an offense that contains the same  
7 elements as an offense now (the date of the offense  
8 committed after the 2 prior convictions) classified in  
9 Illinois as a Class X felony, criminal sexual assault,  
10 aggravated kidnapping, or first degree murder, and who is  
11 thereafter convicted of a Class X felony, criminal sexual  
12 assault, or first degree murder, committed after the 2  
13 prior convictions, shall be adjudged an habitual criminal.

14 (2) The 2 prior convictions need not have been for the  
15 same offense.

16 (3) Any convictions that result from or are connected  
17 with the same transaction, or result from offenses  
18 committed at the same time, shall be counted for the  
19 purposes of this Section as one conviction.

20 (4) This Section does not apply unless each of the  
21 following requirements are satisfied:

22 (A) The third offense was committed after July 3,  
23 1980.

24 (B) The third offense was committed within 20 years  
25 of the date that judgment was entered on the first

1 conviction; provided, however, that time spent in  
2 custody shall not be counted.

3 (C) The third offense was committed after  
4 conviction on the second offense.

5 (D) The second offense was committed after  
6 conviction on the first offense.

7 (5) Anyone who, having attained the age of 18 at the  
8 time of the third offense, is adjudged an habitual criminal  
9 shall be sentenced to a term of natural life imprisonment.

10 (6) A prior conviction shall not be alleged in the  
11 indictment, and no evidence or other disclosure of that  
12 conviction shall be presented to the court or the jury  
13 during the trial of an offense set forth in this Section  
14 unless otherwise permitted by the issues properly raised in  
15 that trial. After a plea or verdict or finding of guilty  
16 and before sentence is imposed, the prosecutor may file  
17 with the court a verified written statement signed by the  
18 State's Attorney concerning any former conviction of an  
19 offense set forth in this Section rendered against the  
20 defendant. The court shall then cause the defendant to be  
21 brought before it; shall inform the defendant of the  
22 allegations of the statement so filed, and of his or her  
23 right to a hearing before the court on the issue of that  
24 former conviction and of his or her right to counsel at  
25 that hearing; and unless the defendant admits such  
26 conviction, shall hear and determine the issue, and shall

1 make a written finding thereon. If a sentence has  
2 previously been imposed, the court may vacate that sentence  
3 and impose a new sentence in accordance with this Section.

4 (7) A duly authenticated copy of the record of any  
5 alleged former conviction of an offense set forth in this  
6 Section shall be prima facie evidence of that former  
7 conviction; and a duly authenticated copy of the record of  
8 the defendant's final release or discharge from probation  
9 granted, or from sentence and parole supervision (if any)  
10 imposed pursuant to that former conviction, shall be prima  
11 facie evidence of that release or discharge.

12 (8) Any claim that a previous conviction offered by the  
13 prosecution is not a former conviction of an offense set  
14 forth in this Section because of the existence of any  
15 exceptions described in this Section, is waived unless duly  
16 raised at the hearing on that conviction, or unless the  
17 prosecution's proof shows the existence of the exceptions  
18 described in this Section.

19 (9) If the person so convicted shows to the  
20 satisfaction of the court before whom that conviction was  
21 had that he or she was released from imprisonment, upon  
22 either of the sentences upon a pardon granted for the  
23 reason that he or she was innocent, that conviction and  
24 sentence shall not be considered under this Section.

25 (b) When a defendant, over the age of 21 years, is  
26 convicted of a Class 1 or Class 2 felony, except for an offense



1 listed in subsection (c) of this Section, after having twice  
2 been convicted in any state or federal court of an offense that  
3 contains the same elements as an offense now (the date the  
4 Class 1 or Class 2 felony was committed) classified in Illinois  
5 as a Class 2 or greater Class felony, except for an offense  
6 listed in subsection (c) of this Section, and those charges are  
7 separately brought and tried and arise out of different series  
8 of acts, that defendant shall be sentenced as a Class X  
9 offender. This subsection does not apply unless:

10 (1) the first felony was committed after February 1,  
11 1978 (the effective date of Public Act 80-1099);

12 (2) the second felony was committed after conviction on  
13 the first; and

14 (3) the third felony was committed after conviction on  
15 the second.

16 (c) Subsection (b) of this Section does not apply to Class  
17 1 or Class 2 felony convictions for a violation of Section 16-1  
18 of the Criminal Code of 2012.

19 A person sentenced as a Class X offender under this  
20 subsection (b) is not eligible to apply for treatment as a  
21 condition of probation as provided by Section 40-10 of the  
22 Alcoholism and Other Drug Abuse and Dependency Act (20 ILCS  
23 301/40-10).

24 (Source: P.A. 99-69, eff. 1-1-16.)

25 (730 ILCS 5/5-4.5-110 new)

1           Sec. 5-4.5-110. SENTENCING GUIDELINES FOR INDIVIDUALS WITH  
2 PRIOR FELONY FIREARM-RELATED OR OTHER SPECIFIED CONVICTIONS.

3           (a) DEFINITIONS. For the purposes of this Section:

4           "Firearm" has the meaning ascribed to it in Section 1.1  
5 of the Firearm Owners Identification Card Act.

6           "Qualifying predicate offense" means the following  
7 offenses under the Criminal Code of 2012:

8           (A) aggravated unlawful use of a weapon under  
9 Section 24-1.6 or similar offense under the Criminal  
10 Code of 1961, when the weapon is a firearm;

11           (B) unlawful use or possession of a weapon by a  
12 felon under Section 24-1.1 or similar offense under the  
13 Criminal Code of 1961, when the weapon is a firearm;

14           (C) first degree murder under Section 9-1 or  
15 similar offense under the Criminal Code of 1961;

16           (D) attempted first degree murder with a firearm or  
17 similar offense under the Criminal Code of 1961;

18           (E) aggravated kidnapping with a firearm under  
19 paragraph (6) or (7) of subsection (a) of Section 10-2  
20 or similar offense under the Criminal Code of 1961;

21           (F) aggravated battery with a firearm under  
22 subsection (e) of Section 12-3.05 or similar offense  
23 under the Criminal Code of 1961;

24           (G) aggravated criminal sexual assault under  
25 Section 11-1.30 or similar offense under the Criminal  
26 Code of 1961;

1           (H) predatory criminal sexual assault of a child  
2           under Section 11-1.40 or similar offense under the  
3           Criminal Code of 1961;

4           (I) armed robbery under Section 18-2 or similar  
5           offense under the Criminal Code of 1961;

6           (J) vehicular hijacking under Section 18-3 or  
7           similar offense under the Criminal Code of 1961;

8           (K) aggravated vehicular hijacking under Section  
9           18-4 or similar offense under the Criminal Code of  
10           1961;

11           (L) home invasion with a firearm under paragraph  
12           (3), (4), or (5) of subsection (a) of Section 19-6 or  
13           similar offense under the Criminal Code of 1961;

14           (M) aggravated discharge of a firearm under  
15           Section 24-1.2 or similar offense under the Criminal  
16           Code of 1961;

17           (N) aggravated discharge of a machine gun or a  
18           firearm equipped with a device designed or used for  
19           silencing the report of a firearm under Section  
20           24-1.2-5 or similar offense under the Criminal Code of  
21           1961;

22           (O) unlawful use of firearm projectiles under  
23           Section 24-2.1 or similar offense under the Criminal  
24           Code of 1961;

25           (P) manufacture, sale, or transfer of bullets or  
26           shells represented to be armor piercing bullets,

1 dragon's breath shotgun shells, bolo shells, or  
2 flechette shells under Section 24-2.2 or similar  
3 offense under the Criminal Code of 1961;

4 (Q) unlawful sale or delivery of firearms under  
5 Section 24-3 or similar offense under the Criminal Code  
6 of 1961;

7 (R) unlawful discharge of firearm projectiles  
8 under Section 24-3.2 or similar offense under the  
9 Criminal Code of 1961;

10 (S) unlawful sale or delivery of firearms on school  
11 premises of any school under Section 24-3.3 or similar  
12 offense under the Criminal Code of 1961;

13 (T) unlawful purchase of a firearm under Section  
14 24-3.5 or similar offense under the Criminal Code of  
15 1961;

16 (U) use of a stolen firearm in the commission of an  
17 offense under Section 24-3.7 or similar offense under  
18 the Criminal Code of 1961;

19 (V) possession of a stolen firearm under Section  
20 24-3.8 or similar offense under the Criminal Code of  
21 1961;

22 (W) aggravated possession of a stolen firearm  
23 under Section 24-3.9 or similar offense under the  
24 Criminal Code of 1961;

25 (X) gunrunning under Section 24-3A or similar  
26 offense under the Criminal Code of 1961;

1           (Y) defacing identification marks of firearms  
2           under Section 24-5 or similar offense under the  
3           Criminal Code of 1961; and

4           (Z) armed violence under Section 33A-2 or similar  
5           offense under the Criminal Code of 1961.

6           (b) APPLICABILITY. On or after the effective date of this  
7           amendatory Act of the 100th General Assembly, when a person is  
8           convicted of unlawful use or possession of a weapon by a felon,  
9           when the weapon is a firearm, or aggravated unlawful use of a  
10           weapon, when the weapon is a firearm, after being previously  
11           convicted of a qualifying predicate offense the person shall be  
12           subject to the sentencing guidelines under this Section.

13           (c) SENTENCING GUIDELINES.

14           (1) When a person is convicted of unlawful use or  
15           possession of a weapon by a felon, when the weapon is a  
16           firearm, and that person has been previously convicted of a  
17           qualifying predicate offense, the person shall be  
18           sentenced to a term of imprisonment within the sentencing  
19           range of not less than 7 years and not more than 14 years,  
20           unless the court finds that a departure from the sentencing  
21           guidelines under this paragraph is warranted under  
22           subsection (d) of this Section.

23           (2) When a person is convicted of aggravated unlawful  
24           use of a weapon, when the weapon is a firearm, and that  
25           person has been previously convicted of a qualifying  
26           predicate offense, the person shall be sentenced to a term

1 of imprisonment within the sentencing range of not less  
2 than 6 years and not more than 7 years, unless the court  
3 finds that a departure from the sentencing guidelines under  
4 this paragraph is warranted under subsection (d) of this  
5 Section.

6 (d) DEPARTURE FROM SENTENCING GUIDELINES.

7 (1) At the sentencing hearing conducted under Section  
8 5-4-1 of this Code, the court may depart from the  
9 sentencing guidelines provided in subsection (c) of this  
10 Section and impose a sentence otherwise authorized by law  
11 for the offense if the court, after considering any factor  
12 under paragraph (2) of this subsection (d) relevant to the  
13 nature and circumstances of the crime and to the history  
14 and character of the defendant, finds on the record  
15 substantial and compelling justification that the sentence  
16 within the sentencing guidelines would be unduly harsh and  
17 that a sentence otherwise authorized by law would be  
18 consistent with public safety and does not deprecate the  
19 seriousness of the offense.

20 (2) In deciding whether to depart from the sentencing  
21 guidelines under this paragraph, the court shall consider:

22 (A) the age, immaturity, or limited mental  
23 capacity of the defendant at the time of commission of  
24 the qualifying predicate or current offense, including  
25 whether the defendant was suffering from a mental or  
26 physical condition insufficient to constitute a

1           defense but significantly reduced the defendant's  
2           culpability;

3           (B) the nature and circumstances of the qualifying  
4           predicate offense;

5           (C) the time elapsed since the qualifying  
6           predicate offense;

7           (D) the nature and circumstances of the current  
8           offense;

9           (E) the defendant's prior criminal history;

10          (F) whether the defendant committed the qualifying  
11          predicate or current offense under specific and  
12          credible duress, coercion, threat, or compulsion;

13          (G) whether the defendant aided in the  
14          apprehension of another felon or testified truthfully  
15          on behalf of another prosecution of a felony; and

16          (H) whether departure is in the interest of the  
17          person's rehabilitation, including employment or  
18          educational or vocational training, after taking into  
19          account any past rehabilitation efforts or  
20          dispositions of probation or supervision, and the  
21          defendant's cooperation or response to rehabilitation.

22          (3) When departing from the sentencing guidelines  
23          under this Section, the court shall specify on the record,  
24          the particular evidence, information, factor or factors,  
25          or other reasons which led to the departure from the  
26          sentencing guidelines. When departing from the sentencing

1       range in accordance with this subsection (d), the court  
2       shall indicate on the sentencing order which departure  
3       factor or factors outlined in paragraph (2) of this  
4       subsection (d) led to the sentence imposed. The sentencing  
5       order shall be filed with the clerk of the court and shall  
6       be a public record.

7           (730 ILCS 5/5-6-3.3)

8           Sec. 5-6-3.3. Offender Initiative Program.

9           (a) Statement of purpose. The General Assembly seeks to  
10       continue other successful programs that promote public safety,  
11       conserve valuable resources, and reduce recidivism by  
12       defendants who can lead productive lives by creating the  
13       Offender Initiative Program.

14       (a-1) Whenever any person who has not previously been  
15       convicted of, ~~or placed on probation or conditional discharge~~  
16       ~~for~~, any felony offense under the laws of this State, the laws  
17       of any other state, or the laws of the United States, is  
18       arrested for and charged with a probationable felony offense of  
19       theft, retail theft, forgery, possession of a stolen motor  
20       vehicle, burglary, possession of burglary tools, deceptive  
21       practices, disorderly conduct, criminal damage or trespass to  
22       property under Article 21 of the Criminal Code of 2012,  
23       criminal trespass to a residence, obstructing justice, or an  
24       offense involving fraudulent identification, or possession of  
25       cannabis, possession of a controlled substance, or possession



1 of methamphetamine, the court, with the consent of the  
2 defendant and the State's Attorney, may continue this matter to  
3 allow a defendant to participate and complete the Offender  
4 Initiative Program.

5 (a-2) Exemptions. A defendant shall not be eligible for  
6 this Program if the offense he or she has been arrested for and  
7 charged with is a violent offense. For purposes of this  
8 Program, a "violent offense" is any offense where bodily harm  
9 was inflicted or where force was used against any person or  
10 threatened against any person, any offense involving sexual  
11 conduct, sexual penetration, or sexual exploitation, any  
12 offense of domestic violence, domestic battery, violation of an  
13 order of protection, stalking, hate crime, ~~driving under the~~  
14 ~~influence of drugs or alcohol,~~ and any offense involving the  
15 possession of a firearm or dangerous weapon. A defendant shall  
16 not be eligible for this Program if he or she has previously  
17 been adjudicated a delinquent minor for the commission of a  
18 violent offense as defined in this subsection.

19 (b) When a defendant is placed in the Program, after both  
20 the defendant and State's Attorney waive preliminary hearing  
21 pursuant to Section 109-3 of the Code of Criminal Procedure of  
22 1963, the court shall enter an order specifying that the  
23 proceedings shall be suspended while the defendant is  
24 participating in a Program of not less 12 months.

25 (c) The conditions of the Program shall be that the  
26 defendant:

1           (1) not violate any criminal statute of this State or  
2 any other jurisdiction;

3           (2) refrain from possessing a firearm or other  
4 dangerous weapon;

5           (3) make full restitution to the victim or property  
6 owner pursuant to Section 5-5-6 of this Code;

7           (4) obtain employment or perform not less than 30 hours  
8 of community service, provided community service is  
9 available in the county and is funded and approved by the  
10 county board; and

11           (5) attend educational courses designed to prepare the  
12 defendant for obtaining a high school diploma or to work  
13 toward passing high school equivalency testing or to work  
14 toward completing a vocational training program.

15           (d) The court may, in addition to other conditions, require  
16 that the defendant:

17           (1) undergo medical or psychiatric treatment, or  
18 treatment or rehabilitation approved by the Illinois  
19 Department of Human Services;

20           (2) refrain from having in his or her body the presence  
21 of any illicit drug prohibited by the Methamphetamine  
22 Control and Community Protection Act, the Cannabis Control  
23 Act or the Illinois Controlled Substances Act, unless  
24 prescribed by a physician, and submit samples of his or her  
25 blood or urine or both for tests to determine the presence  
26 of any illicit drug;

1           (3) submit to periodic drug testing at a time, manner,  
2 and frequency as ordered by the court;

3           (4) pay fines, fees and costs; and

4           (5) in addition, if a minor:

5                 (i) reside with his or her parents or in a foster  
6 home;

7                 (ii) attend school;

8                 (iii) attend a non-residential program for youth;

9 or

10                (iv) contribute to his or her own support at home  
11 or in a foster home.

12           (e) When the State's Attorney makes a factually specific  
13 offer of proof that the defendant has failed to successfully  
14 complete the Program or has violated any of the conditions of  
15 the Program, the court shall enter an order that the defendant  
16 has not successfully completed the Program and continue the  
17 case for arraignment pursuant to Section 113-1 of the Code of  
18 Criminal Procedure of 1963 for further proceedings as if the  
19 defendant had not participated in the Program.

20           (f) Upon fulfillment of the terms and conditions of the  
21 Program, the State's Attorney shall dismiss the case or the  
22 court shall discharge the person and dismiss the proceedings  
23 against the person.

24           (g) A person may only have ~~There may be only~~ one discharge  
25 and dismissal under this Section within a 4-year period ~~with~~  
26 ~~respect to any person.~~

1 (h) Notwithstanding subsection (a-1), if the court finds  
2 that the defendant suffers from a substance abuse problem, then  
3 before the person participates in the Program under this  
4 Section, the court may refer the person to the drug court  
5 established in that judicial circuit pursuant to Section 15 of  
6 the Drug Court Treatment Act. The drug court team shall  
7 evaluate the person's likelihood of successfully fulfilling  
8 the terms and conditions of the Program under this Section and  
9 shall report the results of its evaluation to the court. If the  
10 drug court team finds that the person suffers from a substance  
11 abuse problem that makes him or her substantially unlikely to  
12 successfully fulfill the terms and conditions of the Program,  
13 then the drug court shall set forth its findings in the form of  
14 a written order, and the person shall be ineligible to  
15 participate in the Program under this Section, but shall ~~may~~ be  
16 considered for the drug court program.

17 (Source: P.A. 98-718, eff. 1-1-15; 99-480, eff. 9-9-15.)

18 (730 ILCS 5/5-6-3.4)

19 Sec. 5-6-3.4. Second Chance Probation.

20 (a) Whenever any person who has not previously been  
21 convicted of, ~~or placed on probation or conditional discharge~~  
22 ~~for~~, any felony offense under the laws of this State, the laws  
23 of any other state, or the laws of the United States, ~~including~~  
24 ~~probation under Section 410 of the Illinois Controlled~~  
25 ~~Substances Act, Section 70 of the Methamphetamine Control and~~

1 ~~Community Protection Act, Section 10 of the Cannabis Control~~  
2 ~~Act, subsection (c) of Section 11-14 of the Criminal Code of~~  
3 ~~2012, Treatment Alternatives for Criminal Justice Clients~~  
4 ~~(TASC) under Article 40 of the Alcoholism and Other Drug Abuse~~  
5 ~~and Dependency Act, or prior successful completion of the~~  
6 ~~Offender Initiative Program under Section 5-6-3.3 of this Code,~~  
7 and pleads guilty to, or is found guilty of, ~~a probationable~~  
8 ~~felony offense of possession of less than 15 grams~~ of a  
9 controlled substance ~~that is punishable as a Class 4 felony;~~  
10 possession of less than 15 grams of methamphetamine ~~that is~~  
11 ~~punishable as a Class 4 felony;~~ or a probationable felony  
12 offense of possession of cannabis, theft, retail theft,  
13 forgery, deceptive practices, possession of a stolen motor  
14 vehicle, burglary, possession of burglary tools, disorderly  
15 conduct, criminal damage or trespass to property under Article  
16 21 of the Criminal Code of 2012, criminal trespass to a  
17 residence, an offense involving fraudulent identification, or  
18 obstructing justice; ~~theft that is punishable as a Class 3~~  
19 ~~felony based on the value of the property or punishable as a~~  
20 ~~Class 4 felony if the theft was committed in a school or place~~  
21 ~~of worship or if the theft was of governmental property;~~ retail  
22 ~~theft that is punishable as a Class 3 felony based on the value~~  
23 ~~of the property;~~ criminal damage to property that is punishable  
24 as a Class 4 felony; criminal damage to government supported  
25 property that is punishable as a Class 4 felony; or possession  
26 of cannabis ~~which is punishable as a Class 4 felony,~~ the court,

1 with the consent of the defendant and the State's Attorney,  
2 may, without entering a judgment, sentence the defendant to  
3 probation under this Section.

4 (a-1) Exemptions. A defendant is not eligible for this  
5 probation if the offense he or she pleads guilty to, or is  
6 found guilty of, is a violent offense, or he or she has  
7 previously been convicted of a violent offense. For purposes of  
8 this probation, a "violent offense" is any offense where bodily  
9 harm was inflicted or where force was used against any person  
10 or threatened against any person, any offense involving sexual  
11 conduct, sexual penetration, or sexual exploitation, any  
12 offense of domestic violence, domestic battery, violation of an  
13 order of protection, stalking, hate crime, ~~driving under the~~  
14 ~~influence of drugs or alcohol,~~ and any offense involving the  
15 possession of a firearm or dangerous weapon. A defendant shall  
16 not be eligible for this probation if he or she has previously  
17 been adjudicated a delinquent minor for the commission of a  
18 violent offense as defined in this subsection.

19 (b) When a defendant is placed on probation, the court  
20 shall enter an order specifying a period of probation of not  
21 less than 24 months and shall defer further proceedings in the  
22 case until the conclusion of the period or until the filing of  
23 a petition alleging violation of a term or condition of  
24 probation.

25 (c) The conditions of probation shall be that the  
26 defendant:

1           (1) not violate any criminal statute of this State or  
2 any other jurisdiction;

3           (2) refrain from possessing a firearm or other  
4 dangerous weapon;

5           (3) make full restitution to the victim or property  
6 owner under Section 5-5-6 of this Code;

7           (4) obtain or attempt to obtain employment;

8           (5) pay fines and costs;

9           (6) attend educational courses designed to prepare the  
10 defendant for obtaining a high school diploma or to work  
11 toward passing high school equivalency testing or to work  
12 toward completing a vocational training program;

13           (7) submit to periodic drug testing at a time and in a  
14 manner as ordered by the court, but no less than 3 times  
15 during the period of probation, with the cost of the  
16 testing to be paid by the defendant; and

17           (8) perform a minimum of 30 hours of community service.

18           (d) The court may, in addition to other conditions, require  
19 that the defendant:

20           (1) make a report to and appear in person before or  
21 participate with the court or such courts, person, or  
22 social service agency as directed by the court in the order  
23 of probation;

24           (2) undergo medical or psychiatric treatment, or  
25 treatment or rehabilitation approved by the Illinois  
26 Department of Human Services;

1 (3) attend or reside in a facility established for the  
2 instruction or residence of defendants on probation;

3 (4) support his or her dependents; or

4 (5) refrain from having in his or her body the presence  
5 of any illicit drug prohibited by the Methamphetamine  
6 Control and Community Protection Act, the Cannabis Control  
7 Act, or the Illinois Controlled Substances Act, unless  
8 prescribed by a physician, and submit samples of his or her  
9 blood or urine or both for tests to determine the presence  
10 of any illicit drug.

11 (e) Upon violation of a term or condition of probation, the  
12 court may enter a judgment on its original finding of guilt and  
13 proceed as otherwise provided by law.

14 (f) Upon fulfillment of the terms and conditions of  
15 probation, the court shall discharge the person and dismiss the  
16 proceedings against the person.

17 (g) A disposition of probation is considered to be a  
18 conviction for the purposes of imposing the conditions of  
19 probation and for appeal; however, a discharge and dismissal  
20 under this Section is not a conviction for purposes of this  
21 Code or for purposes of disqualifications or disabilities  
22 imposed by law upon conviction of a crime.

23 (h) A person may only have ~~There may be only~~ one discharge  
24 and dismissal under this Section within a 4-year period~~7~~  
25 ~~Section 410 of the Illinois Controlled Substances Act, Section~~  
26 ~~70 of the Methamphetamine Control and Community Protection Act,~~



1 ~~Section 10 of the Cannabis Control Act, Treatment Alternatives~~  
2 ~~for Criminal Justice Clients (TASC) under Article 40 of the~~  
3 ~~Alcoholism and Other Drug Abuse and Dependency Act, the~~  
4 ~~Offender Initiative Program under Section 5-6-3.3 of this Code,~~  
5 ~~and subsection (c) of Section 11-14 of the Criminal Code of~~  
6 ~~2012 with respect to any person.~~

7 (i) If a person is convicted of any offense which occurred  
8 within 5 years subsequent to a discharge and dismissal under  
9 this Section, the discharge and dismissal under this Section  
10 shall be admissible in the sentencing proceeding for that  
11 conviction as evidence in aggravation.

12 (j) Notwithstanding subsection (a), if the court finds that  
13 the defendant suffers from a substance abuse problem, then  
14 before the person is placed on probation under this Section,  
15 the court may refer the person to the drug court established in  
16 that judicial circuit pursuant to Section 15 of the Drug Court  
17 Treatment Act. The drug court team shall evaluate the person's  
18 likelihood of successfully fulfilling the terms and conditions  
19 of probation under this Section and shall report the results of  
20 its evaluation to the court. If the drug court team finds that  
21 the person suffers from a substance abuse problem that makes  
22 him or her substantially unlikely to successfully fulfill the  
23 terms and conditions of probation under this Section, then the  
24 drug court shall set forth its findings in the form of a  
25 written order, and the person shall be ineligible to be placed  
26 on probation under this Section, but shall ~~may~~ be considered

1 for the drug court program.

2 (Source: P.A. 98-164, eff. 1-1-14; 98-718, eff. 1-1-15; 99-480,  
3 eff. 9-9-15.)

4 (730 ILCS 5/5-8-8)

5 (Section scheduled to be repealed on December 31, 2020)

6 Sec. 5-8-8. Illinois Sentencing Policy Advisory Council.

7 (a) Creation. There is created under the jurisdiction of  
8 the Governor the Illinois Sentencing Policy Advisory Council,  
9 hereinafter referred to as the Council.

10 (b) Purposes and goals. The purpose of the Council is to  
11 review sentencing policies and practices and examine how these  
12 policies and practices impact the criminal justice system as a  
13 whole in the State of Illinois. In carrying out its duties, the  
14 Council shall be mindful of and aim to achieve the purposes of  
15 sentencing in Illinois, which are set out in Section 1-1-2 of  
16 this Code:

17 (1) prescribe sanctions proportionate to the  
18 seriousness of the offenses and permit the recognition of  
19 differences in rehabilitation possibilities among  
20 individual offenders;

21 (2) forbid and prevent the commission of offenses;

22 (3) prevent arbitrary or oppressive treatment of  
23 persons adjudicated offenders or delinquents; and

24 (4) restore offenders to useful citizenship.

25 (c) Council composition.

1 (1) The Council shall consist of the following members:

2 (A) the President of the Senate, or his or her  
3 designee;

4 (B) the Minority Leader of the Senate, or his or  
5 her designee;

6 (C) the Speaker of the House, or his or her  
7 designee;

8 (D) the Minority Leader of the House, or his or her  
9 designee;

10 (E) the Governor, or his or her designee;

11 (F) the Attorney General, or his or her designee;

12 (G) two retired judges, who may have been circuit,  
13 appellate, or supreme court judges; retired judges  
14 shall be selected by the members of the Council  
15 designated in clauses (c) (1) (A) through (L);

16 (G-5) (blank);

17 (H) the Cook County State's Attorney, or his or her  
18 designee;

19 (I) the Cook County Public Defender, or his or her  
20 designee;

21 (J) a State's Attorney not from Cook County,  
22 appointed by the State's Attorney's Appellate  
23 Prosecutor;

24 (K) the State Appellate Defender, or his or her  
25 designee;

26 (L) the Director of the Administrative Office of

1 the Illinois Courts, or his or her designee;

2 (M) a victim of a violent felony or a  
3 representative of a crime victims' organization,  
4 selected by the members of the Council designated in  
5 clauses (c) (1) (A) through (L);

6 (N) a representative of a community-based  
7 organization, selected by the members of the Council  
8 designated in clauses (c) (1) (A) through (L);

9 (O) a criminal justice academic researcher, to be  
10 selected by the members of the Council designated in  
11 clauses (c) (1) (A) through (L);

12 (P) a representative of law enforcement from a unit  
13 of local government to be selected by the members of  
14 the Council designated in clauses (c) (1) (A) through  
15 (L);

16 (Q) a sheriff selected by the members of the  
17 Council designated in clauses (c) (1) (A) through (L);  
18 and

19 (R) ex-officio members shall include:

20 (i) the Director of Corrections, or his or her  
21 designee;

22 (ii) the Chair of the Prisoner Review Board, or  
23 his or her designee;

24 (iii) the Director of the Illinois State  
25 Police, or his or her designee; and

26 (iv) the Director of the Illinois Criminal

1 Justice Information Authority, or his or her  
2 designee.

3 (1.5) The Chair and Vice Chair shall be elected from  
4 among its members by a majority of the members of the  
5 Council.

6 (2) Members of the Council who serve because of their  
7 public office or position, or those who are designated as  
8 members by such officials, shall serve only as long as they  
9 hold such office or position.

10 (3) Council members shall serve without compensation  
11 but shall be reimbursed for travel and per diem expenses  
12 incurred in their work for the Council.

13 (4) The Council may exercise any power, perform any  
14 function, take any action, or do anything in furtherance of  
15 its purposes and goals upon the appointment of a quorum of  
16 its members. The term of office of each member of the  
17 Council ends on the date of repeal of this amendatory Act  
18 of the 96th General Assembly.

19 (d) Duties. The Council shall perform, as resources permit,  
20 duties including:

21 (1) Collect and analyze information including  
22 sentencing data, crime trends, and existing correctional  
23 resources to support legislative and executive action  
24 affecting the use of correctional resources on the State  
25 and local levels.

26 (2) Prepare criminal justice population projections

1 annually, including correctional and community-based  
2 supervision populations.

3 (3) Analyze data relevant to proposed sentencing  
4 legislation and its effect on current policies or  
5 practices, and provide information to support  
6 evidence-based sentencing.

7 (4) Ensure that adequate resources and facilities are  
8 available for carrying out sentences imposed on offenders  
9 and that rational priorities are established for the use of  
10 those resources. To do so, the Council shall prepare  
11 criminal justice resource statements, identifying the  
12 fiscal and practical effects of proposed criminal  
13 sentencing legislation, including, but not limited to, the  
14 correctional population, court processes, and county or  
15 local government resources.

16 (4.5) Study and conduct a thorough analysis of  
17 sentencing under Section 5-4.5-110 of this Code. The  
18 Sentencing Policy Advisory Council shall provide annual  
19 reports to the Governor and General Assembly, including the  
20 total number of persons sentenced under Section 5-4.5-110  
21 of this Code, the total number of departures from sentences  
22 under Section 5-4.5-110 of this Code, and an analysis of  
23 trends in sentencing and departures. On or before December  
24 31, 2022, the Sentencing Policy Advisory Council shall  
25 provide a report to the Governor and General Assembly on  
26 the effectiveness of sentencing under Section 5-4.5-110 of

1       this Code, including recommendations on whether sentencing  
2       under Section 5-4.5-110 of this Code should be adjusted or  
3       continued.

4           (5) Perform such other studies or tasks pertaining to  
5       sentencing policies as may be requested by the Governor or  
6       the Illinois General Assembly.

7           (6) Perform such other functions as may be required by  
8       law or as are necessary to carry out the purposes and goals  
9       of the Council prescribed in subsection (b).

10          (7) Publish a report on the trends in sentencing for  
11       offenders described in subsection (b-1) of Section 5-4-1 of  
12       this Code, the impact of the trends on the prison and  
13       probation populations, and any changes in the racial  
14       composition of the prison and probation populations that  
15       can be attributed to the changes made by adding subsection  
16       (b-1) of Section 5-4-1 to this Code by Public Act 99-861  
17       ~~this amendatory Act of the 99th General Assembly.~~

18       (e) Authority.

19           (1) The Council shall have the power to perform the  
20       functions necessary to carry out its duties, purposes and  
21       goals under this Act. In so doing, the Council shall  
22       utilize information and analysis developed by the Illinois  
23       Criminal Justice Information Authority, the Administrative  
24       Office of the Illinois Courts, and the Illinois Department  
25       of Corrections.

26           (2) Upon request from the Council, each executive

1 agency and department of State and local government shall  
2 provide information and records to the Council in the  
3 execution of its duties.

4 (f) Report. The Council shall report in writing annually to  
5 the General Assembly, the Illinois Supreme Court, and the  
6 Governor.

7 (g) This Section is repealed on December 31, 2020.

8 (Source: P.A. 98-65, eff. 7-15-13; 99-101, eff. 7-22-15;  
9 99-533, eff. 7-8-16; 99-861, eff. 1-1-17; revised 9-6-16.)

10 Section 95. No acceleration or delay. Where this Act makes  
11 changes in a statute that is represented in this Act by text  
12 that is not yet or no longer in effect (for example, a Section  
13 represented by multiple versions), the use of that text does  
14 not accelerate or delay the taking effect of (i) the changes  
15 made by this Act or (ii) provisions derived from any other  
16 Public Act."