



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB2285

by Rep. Thomas Morrison

SYNOPSIS AS INTRODUCED:

730 ILCS 5/5-5-3

Amends the Unified Code of Corrections. Provides that a period of probation, a term of periodic imprisonment, or conditional discharge may not be imposed if the defendant is convicted of a Class 3 felony or higher violation of an offense involving the corruption of a public official when the offense consists of theft, fraud, extortion or a violation of the Official Misconduct or Public Contracts Article of the Criminal Code of 2012 and either: (1) the defendant was an elected official at the time of the offense, or (2) the offense involved more than \$10,000 in money or property, based on either the value of any payments or the value of the item that was the object of the offense. Provides that this provision does not apply if the prosecutor certifies to the court at the time of sentencing that the defendant has provided substantial assistance in the case or another prosecution of substantial public importance.

LRB101 09157 SLF 54251 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

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

4 Section 5. The Unified Code of Corrections is amended by
5 changing Section 5-5-3 as follows:

6 (730 ILCS 5/5-5-3)

7 (Text of Section before amendment by P.A. 100-987)

8 Sec. 5-5-3. Disposition.

9 (a) (Blank).

10 (b) (Blank).

11 (c) (1) (Blank).

12 (2) A period of probation, a term of periodic imprisonment
13 or conditional discharge shall not be imposed for the following
14 offenses. The court shall sentence the offender to not less
15 than the minimum term of imprisonment set forth in this Code
16 for the following offenses, and may order a fine or restitution
17 or both in conjunction with such term of imprisonment:

18 (A) First degree murder where the death penalty is not
19 imposed.

20 (B) Attempted first degree murder.

21 (C) A Class X felony.

22 (D) A violation of Section 401.1 or 407 of the Illinois
23 Controlled Substances Act, or a violation of subdivision

1 (c)(1.5) of Section 401 of that Act which relates to more
2 than 5 grams of a substance containing fentanyl or an
3 analog thereof.

4 (D-5) A violation of subdivision (c)(1) of Section 401
5 of the Illinois Controlled Substances Act which relates to
6 3 or more grams of a substance containing heroin or an
7 analog thereof.

8 (E) (Blank).

9 (F) A Class 1 or greater felony if the offender had
10 been convicted of a Class 1 or greater felony, including
11 any state or federal conviction for an offense that
12 contained, at the time it was committed, the same elements
13 as an offense now (the date of the offense committed after
14 the prior Class 1 or greater felony) classified as a Class
15 1 or greater felony, within 10 years of the date on which
16 the offender committed the offense for which he or she is
17 being sentenced, except as otherwise provided in Section
18 40-10 of the Substance Use Disorder Act.

19 (F-3) A Class 2 or greater felony sex offense or felony
20 firearm offense if the offender had been convicted of a
21 Class 2 or greater felony, including any state or federal
22 conviction for an offense that contained, at the time it
23 was committed, the same elements as an offense now (the
24 date of the offense committed after the prior Class 2 or
25 greater felony) classified as a Class 2 or greater felony,
26 within 10 years of the date on which the offender committed

1 the offense for which he or she is being sentenced, except
2 as otherwise provided in Section 40-10 of the Substance Use
3 Disorder Act.

4 (F-5) A violation of Section 24-1, 24-1.1, or 24-1.6 of
5 the Criminal Code of 1961 or the Criminal Code of 2012 for
6 which imprisonment is prescribed in those Sections.

7 (G) Residential burglary, except as otherwise provided
8 in Section 40-10 of the Substance Use Disorder Act.

9 (H) Criminal sexual assault.

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

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

15 Before July 1, 1994, for the purposes of this
16 paragraph, "organized gang" means an association of 5 or
17 more persons, with an established hierarchy, that
18 encourages members of the association to perpetrate crimes
19 or provides support to the members of the association who
20 do commit crimes.

21 Beginning July 1, 1994, for the purposes of this
22 paragraph, "organized gang" has the meaning ascribed to it
23 in Section 10 of the Illinois Streetgang Terrorism Omnibus
24 Prevention Act.

25 (K) Vehicular hijacking.

26 (L) A second or subsequent conviction for the offense

1 of hate crime when the underlying offense upon which the
2 hate crime is based is felony aggravated assault or felony
3 mob action.

4 (M) A second or subsequent conviction for the offense
5 of institutional vandalism if the damage to the property
6 exceeds \$300.

7 (N) A Class 3 felony violation of paragraph (1) of
8 subsection (a) of Section 2 of the Firearm Owners
9 Identification Card Act.

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

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

15 (Q) A violation of subsection (b) or (b-5) of Section
16 20-1, Section 20-1.2, or Section 20-1.3 of the Criminal
17 Code of 1961 or the Criminal Code of 2012.

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

20 (S) (Blank).

21 (T) (Blank).

22 (U) A second or subsequent violation of Section 6-303
23 of the Illinois Vehicle Code committed while his or her
24 driver's license, permit, or privilege was revoked because
25 of a violation of Section 9-3 of the Criminal Code of 1961
26 or the Criminal Code of 2012, relating to the offense of

1 reckless homicide, or a similar provision of a law of
2 another state.

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

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

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

22 (Y) A conviction for unlawful possession of a firearm
23 by a street gang member when the firearm was loaded or
24 contained firearm ammunition.

25 (Z) A Class 1 felony committed while he or she was
26 serving a term of probation or conditional discharge for a

1 felony.

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

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

6 (CC) Knowingly selling, offering for sale, holding for
7 sale, or using 2,000 or more counterfeit items or
8 counterfeit items having a retail value in the aggregate of
9 \$500,000 or more.

10 (DD) A conviction for aggravated assault under
11 paragraph (6) of subsection (c) of Section 12-2 of the
12 Criminal Code of 1961 or the Criminal Code of 2012 if the
13 firearm is aimed toward the person against whom the firearm
14 is being used.

15 (EE) A conviction for a violation of paragraph (2) of
16 subsection (a) of Section 24-3B of the Criminal Code of
17 2012.

18 (3) (Blank).

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

23 (4.1) (Blank).

24 (4.2) Except as provided in paragraphs (4.3) and (4.8) of
25 this subsection (c), a minimum of 100 hours of community
26 service shall be imposed for a second violation of Section

1 6-303 of the Illinois Vehicle Code.

2 (4.3) A minimum term of imprisonment of 30 days or 300
3 hours of community service, as determined by the court, shall
4 be imposed for a second violation of subsection (c) of Section
5 6-303 of the Illinois Vehicle Code.

6 (4.4) Except as provided in paragraphs (4.5), (4.6), and
7 (4.9) of this subsection (c), a minimum term of imprisonment of
8 30 days or 300 hours of community service, as determined by the
9 court, shall be imposed for a third or subsequent violation of
10 Section 6-303 of the Illinois Vehicle Code. The court may give
11 credit toward the fulfillment of community service hours for
12 participation in activities and treatment as determined by
13 court services.

14 (4.5) A minimum term of imprisonment of 30 days shall be
15 imposed for a third violation of subsection (c) of Section
16 6-303 of the Illinois Vehicle Code.

17 (4.6) Except as provided in paragraph (4.10) of this
18 subsection (c), a minimum term of imprisonment of 180 days
19 shall be imposed for a fourth or subsequent violation of
20 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

21 (4.7) A minimum term of imprisonment of not less than 30
22 consecutive days, or 300 hours of community service, shall be
23 imposed for a violation of subsection (a-5) of Section 6-303 of
24 the Illinois Vehicle Code, as provided in subsection (b-5) of
25 that Section.

26 (4.8) A mandatory prison sentence shall be imposed for a

1 second violation of subsection (a-5) of Section 6-303 of the
2 Illinois Vehicle Code, as provided in subsection (c-5) of that
3 Section. The person's driving privileges shall be revoked for a
4 period of not less than 5 years from the date of his or her
5 release from prison.

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

12 (4.10) A mandatory prison sentence for a Class 1 felony
13 shall be imposed, and the person shall be eligible for an
14 extended term sentence, for a fourth or subsequent violation of
15 subsection (a-5) of Section 6-303 of the Illinois Vehicle Code,
16 as provided in subsection (d-3.5) of that Section. The person's
17 driving privileges shall be revoked for the remainder of his or
18 her life.

19 (5) The court may sentence a corporation or unincorporated
20 association convicted of any offense to:

21 (A) a period of conditional discharge;

22 (B) a fine;

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

25 (5.1) In addition to any other penalties imposed, and
26 except as provided in paragraph (5.2) or (5.3), a person

1 convicted of violating subsection (c) of Section 11-907 of the
2 Illinois Vehicle Code shall have his or her driver's license,
3 permit, or privileges suspended for at least 90 days but not
4 more than one year, if the violation resulted in damage to the
5 property of another person.

6 (5.2) In addition to any other penalties imposed, and
7 except as provided in paragraph (5.3), a person convicted of
8 violating subsection (c) of Section 11-907 of the Illinois
9 Vehicle Code shall have his or her driver's license, permit, or
10 privileges suspended for at least 180 days but not more than 2
11 years, if the violation resulted in injury to another person.

12 (5.3) In addition to any other penalties imposed, a person
13 convicted of violating subsection (c) of Section 11-907 of the
14 Illinois Vehicle Code shall have his or her driver's license,
15 permit, or privileges suspended for 2 years, if the violation
16 resulted in the death of another person.

17 (5.4) In addition to any other penalties imposed, a person
18 convicted of violating Section 3-707 of the Illinois Vehicle
19 Code shall have his or her driver's license, permit, or
20 privileges suspended for 3 months and until he or she has paid
21 a reinstatement fee of \$100.

22 (5.5) In addition to any other penalties imposed, a person
23 convicted of violating Section 3-707 of the Illinois Vehicle
24 Code during a period in which his or her driver's license,
25 permit, or privileges were suspended for a previous violation
26 of that Section shall have his or her driver's license, permit,

1 or privileges suspended for an additional 6 months after the
2 expiration of the original 3-month suspension and until he or
3 she has paid a reinstatement fee of \$100.

4 (6) (Blank).

5 (7) (Blank).

6 (8) (Blank).

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

10 (10) (Blank).

11 (11) The court shall impose a minimum fine of \$1,000 for a
12 first offense and \$2,000 for a second or subsequent offense
13 upon a person convicted of or placed on supervision for battery
14 when the individual harmed was a sports official or coach at
15 any level of competition and the act causing harm to the sports
16 official or coach occurred within an athletic facility or
17 within the immediate vicinity of the athletic facility at which
18 the sports official or coach was an active participant of the
19 athletic contest held at the athletic facility. For the
20 purposes of this paragraph (11), "sports official" means a
21 person at an athletic contest who enforces the rules of the
22 contest, such as an umpire or referee; "athletic facility"
23 means an indoor or outdoor playing field or recreational area
24 where sports activities are conducted; and "coach" means a
25 person recognized as a coach by the sanctioning authority that
26 conducted the sporting event.

1 (12) A person may not receive a disposition of court
2 supervision for a violation of Section 5-16 of the Boat
3 Registration and Safety Act if that person has previously
4 received a disposition of court supervision for a violation of
5 that Section.

6 (13) A person convicted of or placed on court supervision
7 for an assault or aggravated assault when the victim and the
8 offender are family or household members as defined in Section
9 103 of the Illinois Domestic Violence Act of 1986 or convicted
10 of domestic battery or aggravated domestic battery may be
11 required to attend a Partner Abuse Intervention Program under
12 protocols set forth by the Illinois Department of Human
13 Services under such terms and conditions imposed by the court.
14 The costs of such classes shall be paid by the offender.

15 (d) In any case in which a sentence originally imposed is
16 vacated, the case shall be remanded to the trial court. The
17 trial court shall hold a hearing under Section 5-4-1 of this
18 ~~the Unified Code of Corrections~~ which may include evidence of
19 the defendant's life, moral character and occupation during the
20 time since the original sentence was passed. The trial court
21 shall then impose sentence upon the defendant. The trial court
22 may impose any sentence which could have been imposed at the
23 original trial subject to Section 5-5-4 of this ~~the Unified~~
24 ~~Code of Corrections~~. If a sentence is vacated on appeal or on
25 collateral attack due to the failure of the trier of fact at
26 trial to determine beyond a reasonable doubt the existence of a

1 fact (other than a prior conviction) necessary to increase the
2 punishment for the offense beyond the statutory maximum
3 otherwise applicable, either the defendant may be re-sentenced
4 to a term within the range otherwise provided or, if the State
5 files notice of its intention to again seek the extended
6 sentence, the defendant shall be afforded a new trial.

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

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

15 (A) the defendant is willing to undergo a court
16 approved counseling program for a minimum duration of 2
17 years; or

18 (B) the defendant is willing to participate in a
19 court approved plan including but not limited to the
20 defendant's:

21 (i) removal from the household;

22 (ii) restricted contact with the victim;

23 (iii) continued financial support of the
24 family;

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

26 and

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

3 (2) the court orders the defendant to pay for the
4 victim's counseling services, to the extent that the court
5 finds, after considering the defendant's income and
6 assets, that the defendant is financially capable of paying
7 for such services, if the victim was under 18 years of age
8 at the time the offense was committed and requires
9 counseling as a result of the offense.

10 Probation may be revoked or modified pursuant to Section
11 5-6-4; except where the court determines at the hearing that
12 the defendant violated a condition of his or her probation
13 restricting contact with the victim or other family members or
14 commits another offense with the victim or other family
15 members, the court shall revoke the defendant's probation and
16 impose a term of imprisonment.

17 For the purposes of this Section, "family member" and
18 "victim" shall have the meanings ascribed to them in Section
19 11-0.1 of the Criminal Code of 2012.

20 (f) (Blank).

21 (g) Whenever a defendant is convicted of an offense under
22 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,
23 11-14.3, 11-14.4 except for an offense that involves keeping a
24 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,
25 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,
26 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the

1 Criminal Code of 2012, the defendant shall undergo medical
2 testing to determine whether the defendant has any sexually
3 transmissible disease, including a test for infection with
4 human immunodeficiency virus (HIV) or any other identified
5 causative agent of acquired immunodeficiency syndrome (AIDS).
6 Any such medical test shall be performed only by appropriately
7 licensed medical practitioners and may include an analysis of
8 any bodily fluids as well as an examination of the defendant's
9 person. Except as otherwise provided by law, the results of
10 such test shall be kept strictly confidential by all medical
11 personnel involved in the testing and must be personally
12 delivered in a sealed envelope to the judge of the court in
13 which the conviction was entered for the judge's inspection in
14 camera. Acting in accordance with the best interests of the
15 victim and the public, the judge shall have the discretion to
16 determine to whom, if anyone, the results of the testing may be
17 revealed. The court shall notify the defendant of the test
18 results. The court shall also notify the victim if requested by
19 the victim, and if the victim is under the age of 15 and if
20 requested by the victim's parents or legal guardian, the court
21 shall notify the victim's parents or legal guardian of the test
22 results. The court shall provide information on the
23 availability of HIV testing and counseling at Department of
24 Public Health facilities to all parties to whom the results of
25 the testing are revealed and shall direct the State's Attorney
26 to provide the information to the victim when possible. A

1 State's Attorney may petition the court to obtain the results
2 of any HIV test administered under this Section, and the court
3 shall grant the disclosure if the State's Attorney shows it is
4 relevant in order to prosecute a charge of criminal
5 transmission of HIV under Section 12-5.01 or 12-16.2 of the
6 Criminal Code of 1961 or the Criminal Code of 2012 against the
7 defendant. The court shall order that the cost of any such test
8 shall be paid by the county and may be taxed as costs against
9 the convicted defendant.

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

20 (h) Whenever a defendant is convicted of an offense under
21 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
22 defendant shall undergo medical testing to determine whether
23 the defendant has been exposed to human immunodeficiency virus
24 (HIV) or any other identified causative agent of acquired
25 immunodeficiency syndrome (AIDS). Except as otherwise provided
26 by law, the results of such test shall be kept strictly

1 confidential by all medical personnel involved in the testing
2 and must be personally delivered in a sealed envelope to the
3 judge of the court in which the conviction was entered for the
4 judge's inspection in camera. Acting in accordance with the
5 best interests of the public, the judge shall have the
6 discretion to determine to whom, if anyone, the results of the
7 testing may be revealed. The court shall notify the defendant
8 of a positive test showing an infection with the human
9 immunodeficiency virus (HIV). The court shall provide
10 information on the availability of HIV testing and counseling
11 at Department of Public Health facilities to all parties to
12 whom the results of the testing are revealed and shall direct
13 the State's Attorney to provide the information to the victim
14 when possible. A State's Attorney may petition the court to
15 obtain the results of any HIV test administered under this
16 Section, and the court shall grant the disclosure if the
17 State's Attorney shows it is relevant in order to prosecute a
18 charge of criminal transmission of HIV under Section 12-5.01 or
19 12-16.2 of the Criminal Code of 1961 or the Criminal Code of
20 2012 against the defendant. The court shall order that the cost
21 of any such test shall be paid by the county and may be taxed as
22 costs against the convicted defendant.

23 (i) All fines and penalties imposed under this Section for
24 any violation of Chapters 3, 4, 6, and 11 of the Illinois
25 Vehicle Code, or a similar provision of a local ordinance, and
26 any violation of the Child Passenger Protection Act, or a

1 similar provision of a local ordinance, shall be collected and
2 disbursed by the circuit clerk as provided under Section 27.5
3 of the Clerks of Courts Act.

4 (j) In cases when prosecution for any violation of Section
5 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,
6 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,
7 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
8 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,
9 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal
10 Code of 2012, any violation of the Illinois Controlled
11 Substances Act, any violation of the Cannabis Control Act, or
12 any violation of the Methamphetamine Control and Community
13 Protection Act results in conviction, a disposition of court
14 supervision, or an order of probation granted under Section 10
15 of the Cannabis Control Act, Section 410 of the Illinois
16 Controlled Substances Act, or Section 70 of the Methamphetamine
17 Control and Community Protection Act of a defendant, the court
18 shall determine whether the defendant is employed by a facility
19 or center as defined under the Child Care Act of 1969, a public
20 or private elementary or secondary school, or otherwise works
21 with children under 18 years of age on a daily basis. When a
22 defendant is so employed, the court shall order the Clerk of
23 the Court to send a copy of the judgment of conviction or order
24 of supervision or probation to the defendant's employer by
25 certified mail. If the employer of the defendant is a school,
26 the Clerk of the Court shall direct the mailing of a copy of

1 the judgment of conviction or order of supervision or probation
2 to the appropriate regional superintendent of schools. The
3 regional superintendent of schools shall notify the State Board
4 of Education of any notification under this subsection.

5 (j-5) A defendant at least 17 years of age who is convicted
6 of a felony and who has not been previously convicted of a
7 misdemeanor or felony and who is sentenced to a term of
8 imprisonment in the Illinois Department of Corrections shall as
9 a condition of his or her sentence be required by the court to
10 attend educational courses designed to prepare the defendant
11 for a high school diploma and to work toward a high school
12 diploma or to work toward passing high school equivalency
13 testing or to work toward completing a vocational training
14 program offered by the Department of Corrections. If a
15 defendant fails to complete the educational training required
16 by his or her sentence during the term of incarceration, the
17 Prisoner Review Board shall, as a condition of mandatory
18 supervised release, require the defendant, at his or her own
19 expense, to pursue a course of study toward a high school
20 diploma or passage of high school equivalency testing. The
21 Prisoner Review Board shall revoke the mandatory supervised
22 release of a defendant who wilfully fails to comply with this
23 subsection (j-5) upon his or her release from confinement in a
24 penal institution while serving a mandatory supervised release
25 term; however, the inability of the defendant after making a
26 good faith effort to obtain financial aid or pay for the

1 educational training shall not be deemed a wilful failure to
2 comply. The Prisoner Review Board shall recommit the defendant
3 whose mandatory supervised release term has been revoked under
4 this subsection (j-5) as provided in Section 3-3-9. This
5 subsection (j-5) does not apply to a defendant who has a high
6 school diploma or has successfully passed high school
7 equivalency testing. This subsection (j-5) does not apply to a
8 defendant who is determined by the court to be a person with a
9 developmental disability or otherwise mentally incapable of
10 completing the educational or vocational program.

11 (k) (Blank).

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

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

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

26 Otherwise, the defendant shall be sentenced as provided in

1 this Chapter V.

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

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

14 (2) the deportation of the defendant would not
15 deprecate the seriousness of the defendant's conduct and
16 would not be inconsistent with the ends of justice.

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

20 (D) Upon motion of the State's Attorney, if a defendant
21 sentenced under this Section returns to the jurisdiction of the
22 United States, the defendant shall be recommitted to the
23 custody of the county from which he or she was sentenced.
24 Thereafter, the defendant shall be brought before the
25 sentencing court, which may impose any sentence that was
26 available under Section 5-5-3 at the time of initial

1 sentencing. In addition, the defendant shall not be eligible
2 for additional earned sentence credit as provided under Section
3 3-6-3.

4 (m) A person convicted of criminal defacement of property
5 under Section 21-1.3 of the Criminal Code of 1961 or the
6 Criminal Code of 2012, in which the property damage exceeds
7 \$300 and the property damaged is a school building, shall be
8 ordered to perform community service that may include cleanup,
9 removal, or painting over the defacement.

10 (n) The court may sentence a person convicted of a
11 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or
12 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
13 of 1961 or the Criminal Code of 2012 (i) to an impact
14 incarceration program if the person is otherwise eligible for
15 that program under Section 5-8-1.1, (ii) to community service,
16 or (iii) if the person has a substance use disorder, as defined
17 in the Substance Use Disorder Act, to a treatment program
18 licensed under that Act.

19 (o) Whenever a person is convicted of a sex offense as
20 defined in Section 2 of the Sex Offender Registration Act, the
21 defendant's driver's license or permit shall be subject to
22 renewal on an annual basis in accordance with the provisions of
23 license renewal established by the Secretary of State.

24 (Source: P.A. 99-143, eff. 7-27-15; 99-885, eff. 8-23-16;
25 99-938, eff. 1-1-18; 100-575, eff. 1-8-18; 100-759, eff.
26 1-1-19; revised 10-12-18.)

1 (Text of Section after amendment by P.A. 100-987)

2 Sec. 5-5-3. Disposition.

3 (a) (Blank).

4 (b) (Blank).

5 (c) (1) (Blank).

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

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

14 (B) Attempted first degree murder.

15 (C) A Class X felony.

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

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

25 (E) (Blank).

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

11 (F-3) A Class 2 or greater felony sex offense or felony
12 firearm offense if the offender had been convicted of a
13 Class 2 or greater felony, including any state or federal
14 conviction for an offense that contained, at the time it
15 was committed, the same elements as an offense now (the
16 date of the offense committed after the prior Class 2 or
17 greater felony) classified as a Class 2 or greater felony,
18 within 10 years of the date on which the offender committed
19 the offense for which he or she is being sentenced, except
20 as otherwise provided in Section 40-10 of the Substance Use
21 Disorder Act.

22 (F-5) A violation of Section 24-1, 24-1.1, or 24-1.6 of
23 the Criminal Code of 1961 or the Criminal Code of 2012 for
24 which imprisonment is prescribed in those Sections.

25 (G) Residential burglary, except as otherwise provided
26 in Section 40-10 of the Substance Use Disorder Act.

1 (H) Criminal sexual assault.

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

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

7 Before July 1, 1994, for the purposes of this
8 paragraph, "organized gang" means an association of 5 or
9 more persons, with an established hierarchy, that
10 encourages members of the association to perpetrate crimes
11 or provides support to the members of the association who
12 do commit crimes.

13 Beginning July 1, 1994, for the purposes of this
14 paragraph, "organized gang" has the meaning ascribed to it
15 in Section 10 of the Illinois Streetgang Terrorism Omnibus
16 Prevention Act.

17 (K) Vehicular hijacking.

18 (L) A second or subsequent conviction for the offense
19 of hate crime when the underlying offense upon which the
20 hate crime is based is felony aggravated assault or felony
21 mob action.

22 (M) A second or subsequent conviction for the offense
23 of institutional vandalism if the damage to the property
24 exceeds \$300.

25 (N) A Class 3 felony violation of paragraph (1) of
26 subsection (a) of Section 2 of the Firearm Owners

1 Identification Card Act.

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

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

7 (Q) A violation of subsection (b) or (b-5) of Section
8 20-1, Section 20-1.2, or Section 20-1.3 of the Criminal
9 Code of 1961 or the Criminal Code of 2012.

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

12 (S) (Blank).

13 (T) (Blank).

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

21 (V) A violation of paragraph (4) of subsection (c) of
22 Section 11-20.1B or paragraph (4) of subsection (c) of
23 Section 11-20.3 of the Criminal Code of 1961, or paragraph
24 (6) of subsection (a) of Section 11-20.1 of the Criminal
25 Code of 2012 when the victim is under 13 years of age and
26 the defendant has previously been convicted under the laws

1 of this State or any other state of the offense of child
2 pornography, aggravated child pornography, aggravated
3 criminal sexual abuse, aggravated criminal sexual assault,
4 predatory criminal sexual assault of a child, or any of the
5 offenses formerly known as rape, deviate sexual assault,
6 indecent liberties with a child, or aggravated indecent
7 liberties with a child where the victim was under the age
8 of 18 years or an offense that is substantially equivalent
9 to those offenses.

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

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

14 (Y) A conviction for unlawful possession of a firearm
15 by a street gang member when the firearm was loaded or
16 contained firearm ammunition.

17 (Z) A Class 1 felony committed while he or she was
18 serving a term of probation or conditional discharge for a
19 felony.

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

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

24 (CC) Knowingly selling, offering for sale, holding for
25 sale, or using 2,000 or more counterfeit items or
26 counterfeit items having a retail value in the aggregate of

1 \$500,000 or more.

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

7 (EE) A conviction for a violation of paragraph (2) of
8 subsection (a) of Section 24-3B of the Criminal Code of
9 2012.

10 (FF) A Class 3 felony or higher violation of an offense
11 involving the corruption of a public official when the
12 offense consists of theft, fraud, extortion or a violation
13 of Article 33 or 33E of the Criminal Code of 2012 and
14 either: (1) the defendant was an elected official at the
15 time of the offense, or (2) the offense involved more than
16 \$10,000 in money or property, based on either the value of
17 any payments or the value of the item that was the object
18 of the offense. However, if the prosecutor certifies to the
19 court at the time of sentencing that the defendant has
20 provided substantial assistance in the case or another
21 prosecution of substantial public importance, this
22 paragraph (FF) does not apply.

23 (3) (Blank).

24 (4) A minimum term of imprisonment of not less than 10
25 consecutive days or 30 days of community service shall be
26 imposed for a violation of paragraph (c) of Section 6-303 of

1 the Illinois Vehicle Code.

2 (4.1) (Blank).

3 (4.2) Except as provided in paragraphs (4.3) and (4.8) of
4 this subsection (c), a minimum of 100 hours of community
5 service shall be imposed for a second violation of Section
6 6-303 of the Illinois Vehicle Code.

7 (4.3) A minimum term of imprisonment of 30 days or 300
8 hours of community service, as determined by the court, shall
9 be imposed for a second violation of subsection (c) of Section
10 6-303 of the Illinois Vehicle Code.

11 (4.4) Except as provided in paragraphs (4.5), (4.6), and
12 (4.9) of this subsection (c), a minimum term of imprisonment of
13 30 days or 300 hours of community service, as determined by the
14 court, shall be imposed for a third or subsequent violation of
15 Section 6-303 of the Illinois Vehicle Code. The court may give
16 credit toward the fulfillment of community service hours for
17 participation in activities and treatment as determined by
18 court services.

19 (4.5) A minimum term of imprisonment of 30 days shall be
20 imposed for a third violation of subsection (c) of Section
21 6-303 of the Illinois Vehicle Code.

22 (4.6) Except as provided in paragraph (4.10) of this
23 subsection (c), a minimum term of imprisonment of 180 days
24 shall be imposed for a fourth or subsequent violation of
25 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

26 (4.7) A minimum term of imprisonment of not less than 30

1 consecutive days, or 300 hours of community service, shall be
2 imposed for a violation of subsection (a-5) of Section 6-303 of
3 the Illinois Vehicle Code, as provided in subsection (b-5) of
4 that Section.

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

11 (4.9) A mandatory prison sentence of not less than 4 and
12 not more than 15 years shall be imposed for a third violation
13 of subsection (a-5) of Section 6-303 of the Illinois Vehicle
14 Code, as provided in subsection (d-2.5) of that Section. The
15 person's driving privileges shall be revoked for the remainder
16 of his or her life.

17 (4.10) A mandatory prison sentence for a Class 1 felony
18 shall be imposed, and the person shall be eligible for an
19 extended term sentence, for a fourth or subsequent violation of
20 subsection (a-5) of Section 6-303 of the Illinois Vehicle Code,
21 as provided in subsection (d-3.5) of that Section. The person's
22 driving privileges shall be revoked for the remainder of his or
23 her life.

24 (5) The court may sentence a corporation or unincorporated
25 association convicted of any offense to:

26 (A) a period of conditional discharge;

1 (B) a fine;

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

4 (5.1) In addition to any other penalties imposed, and
5 except as provided in paragraph (5.2) or (5.3), a person
6 convicted of violating subsection (c) of Section 11-907 of the
7 Illinois Vehicle Code shall have his or her driver's license,
8 permit, or privileges suspended for at least 90 days but not
9 more than one year, if the violation resulted in damage to the
10 property of another person.

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

17 (5.3) In addition to any other penalties imposed, a person
18 convicted of violating subsection (c) of Section 11-907 of the
19 Illinois Vehicle Code shall have his or her driver's license,
20 permit, or privileges suspended for 2 years, if the violation
21 resulted in the death of another person.

22 (5.4) In addition to any other penalties imposed, a person
23 convicted of violating Section 3-707 of the Illinois Vehicle
24 Code shall have his or her driver's license, permit, or
25 privileges suspended for 3 months and until he or she has paid
26 a reinstatement fee of \$100.

1 (5.5) In addition to any other penalties imposed, a person
2 convicted of violating Section 3-707 of the Illinois Vehicle
3 Code during a period in which his or her driver's license,
4 permit, or privileges were suspended for a previous violation
5 of that Section shall have his or her driver's license, permit,
6 or privileges suspended for an additional 6 months after the
7 expiration of the original 3-month suspension and until he or
8 she has paid a reinstatement fee of \$100.

9 (6) (Blank).

10 (7) (Blank).

11 (8) (Blank).

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

15 (10) (Blank).

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

1 contest, such as an umpire or referee; "athletic facility"
2 means an indoor or outdoor playing field or recreational area
3 where sports activities are conducted; and "coach" means a
4 person recognized as a coach by the sanctioning authority that
5 conducted the sporting event.

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

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

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

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

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

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

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

23 (B) the defendant is willing to participate in a
24 court approved plan including but not limited to the
25 defendant's:

26 (i) removal from the household;

- 1 (ii) restricted contact with the victim;
2 (iii) continued financial support of the
3 family;
4 (iv) restitution for harm done to the victim;
5 and
6 (v) compliance with any other measures that
7 the court may deem appropriate; and

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

15 Probation may be revoked or modified pursuant to Section
16 5-6-4; except where the court determines at the hearing that
17 the defendant violated a condition of his or her probation
18 restricting contact with the victim or other family members or
19 commits another offense with the victim or other family
20 members, the court shall revoke the defendant's probation and
21 impose a term of imprisonment.

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

25 (f) (Blank).

26 (g) Whenever a defendant is convicted of an offense under

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

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

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

25 (h) Whenever a defendant is convicted of an offense under
26 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the

1 defendant shall undergo medical testing to determine whether
2 the defendant has been exposed to human immunodeficiency virus
3 (HIV) or any other identified causative agent of acquired
4 immunodeficiency syndrome (AIDS). Except as otherwise provided
5 by law, the results of such test shall be kept strictly
6 confidential by all medical personnel involved in the testing
7 and must be personally delivered in a sealed envelope to the
8 judge of the court in which the conviction was entered for the
9 judge's inspection in camera. Acting in accordance with the
10 best interests of the public, the judge shall have the
11 discretion to determine to whom, if anyone, the results of the
12 testing may be revealed. The court shall notify the defendant
13 of a positive test showing an infection with the human
14 immunodeficiency virus (HIV). The court shall provide
15 information on the availability of HIV testing and counseling
16 at Department of Public Health facilities to all parties to
17 whom the results of the testing are revealed and shall direct
18 the State's Attorney to provide the information to the victim
19 when possible. A State's Attorney may petition the court to
20 obtain the results of any HIV test administered under this
21 Section, and the court shall grant the disclosure if the
22 State's Attorney shows it is relevant in order to prosecute a
23 charge of criminal transmission of HIV under Section 12-5.01 or
24 12-16.2 of the Criminal Code of 1961 or the Criminal Code of
25 2012 against the defendant. The court shall order that the cost
26 of any such test shall be paid by the county and may be taxed as

1 costs against the convicted defendant.

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

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

1 defendant is so employed, the court shall order the Clerk of
2 the Court to send a copy of the judgment of conviction or order
3 of supervision or probation to the defendant's employer by
4 certified mail. If the employer of the defendant is a school,
5 the Clerk of the Court shall direct the mailing of a copy of
6 the judgment of conviction or order of supervision or probation
7 to the appropriate regional superintendent of schools. The
8 regional superintendent of schools shall notify the State Board
9 of Education of any notification under this subsection.

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

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

16 (k) (Blank).

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

25 (1) a final order of deportation has been issued
26 against the defendant pursuant to proceedings under the

1 Immigration and Nationality Act, and

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

5 Otherwise, the defendant shall be sentenced as provided in
6 this Chapter V.

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

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

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

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

25 (D) Upon motion of the State's Attorney, if a defendant
26 sentenced under this Section returns to the jurisdiction of the

1 United States, the defendant shall be recommitted to the
2 custody of the county from which he or she was sentenced.
3 Thereafter, the defendant shall be brought before the
4 sentencing court, which may impose any sentence that was
5 available under Section 5-5-3 at the time of initial
6 sentencing. In addition, the defendant shall not be eligible
7 for additional earned sentence credit as provided under Section
8 3-6-3.

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

15 (n) The court may sentence a person convicted of a
16 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or
17 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
18 of 1961 or the Criminal Code of 2012 (i) to an impact
19 incarceration program if the person is otherwise eligible for
20 that program under Section 5-8-1.1, (ii) to community service,
21 or (iii) if the person has a substance use disorder, as defined
22 in the Substance Use Disorder Act, to a treatment program
23 licensed under that Act.

24 (o) Whenever a person is convicted of a sex offense as
25 defined in Section 2 of the Sex Offender Registration Act, the
26 defendant's driver's license or permit shall be subject to

1 renewal on an annual basis in accordance with the provisions of
2 license renewal established by the Secretary of State.

3 (Source: P.A. 99-143, eff. 7-27-15; 99-885, eff. 8-23-16;
4 99-938, eff. 1-1-18; 100-575, eff. 1-8-18; 100-759, eff.
5 1-1-19; 100-987, eff. 7-1-19; revised 10-12-18.)

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