



Rep. Lamont J. Robinson, Jr.

Filed: 3/28/2019

10100HB3120ham001

LRB101 08963 RLC 56705 a

1 AMENDMENT TO HOUSE BILL 3120

2 AMENDMENT NO. _____. Amend House Bill 3120 by replacing
3 line 4 on page 15 through line 4 on page 38 with the following:

4 "Section 895. The Illinois Vehicle Code is amended by
5 changing Section 6-303 as follows:

6 (625 ILCS 5/6-303) (from Ch. 95 1/2, par. 6-303)

7 Sec. 6-303. Driving while driver's license, permit, or
8 privilege to operate a motor vehicle is suspended or revoked.

9 (a) Except as otherwise provided in subsection (a-5) or
10 (a-7), any person who drives or is in actual physical control
11 of a motor vehicle on any highway of this State at a time when
12 such person's driver's license, permit, or privilege to do so
13 or the privilege to obtain a driver's license or permit is
14 revoked or suspended as provided by this Code or the law of
15 another state, except as may be specifically allowed by a
16 judicial driving permit issued prior to January 1, 2009,

1 monitoring device driving permit, family financial
2 responsibility driving permit, probationary license to drive,
3 or a restricted driving permit issued pursuant to this Code or
4 under the law of another state, shall be guilty of a Class A
5 misdemeanor.

6 (a-3) A second or subsequent violation of subsection (a) of
7 this Section is a Class 4 felony if committed by a person whose
8 driving or operation of a motor vehicle is the proximate cause
9 of a motor vehicle accident that causes personal injury or
10 death to another. For purposes of this subsection, a personal
11 injury includes any Type A injury as indicated on the traffic
12 accident report completed by a law enforcement officer that
13 requires immediate professional attention in either a doctor's
14 office or a medical facility. A Type A injury includes severe
15 bleeding wounds, distorted extremities, and injuries that
16 require the injured party to be carried from the scene.

17 (a-5) Any person who violates this Section as provided in
18 subsection (a) while his or her driver's license, permit, or
19 privilege is revoked because of a violation of Section 9-3 of
20 the Criminal Code of 1961 or the Criminal Code of 2012,
21 relating to the offense of reckless homicide, or a violation of
22 subparagraph (F) of paragraph (1) of subsection (d) of Section
23 11-501 of this Code, relating to the offense of aggravated
24 driving under the influence of alcohol, other drug or drugs, or
25 intoxicating compound or compounds, or any combination thereof
26 when the violation was a proximate cause of a death, or a

1 similar provision of a law of another state, is guilty of a
2 Class 4 felony. The person shall be required to undergo a
3 professional evaluation, as provided in Section 11-501 of this
4 Code, to determine if an alcohol, drug, or intoxicating
5 compound problem exists and the extent of the problem, and to
6 undergo the imposition of treatment as appropriate.

7 (a-7) Any person who violates this Section as provided in
8 subsection (a) while his or her driver's license or privilege
9 to drive is suspended under Section 6-306.5 or 7-702 of this
10 Code shall receive a Uniform Traffic Citation from the law
11 enforcement officer. A person who receives 3 or more Uniform
12 Traffic Citations under this subsection (a-7) without paying
13 any fees associated with the citations shall be guilty of a
14 Class A misdemeanor.

15 (a-10) A person's driver's license, permit, or privilege to
16 obtain a driver's license or permit may be subject to multiple
17 revocations, multiple suspensions, or any combination of both
18 simultaneously. No revocation or suspension shall serve to
19 negate, invalidate, cancel, postpone, or in any way lessen the
20 effect of any other revocation or suspension entered prior or
21 subsequent to any other revocation or suspension.

22 (b) (Blank).

23 (b-1) Except for a person under subsection (a-7) of this
24 Section, upon receiving a report of the conviction of any
25 violation indicating a person was operating a motor vehicle
26 during the time when the person's driver's license, permit, or

1 privilege was suspended by the Secretary of State or the
2 driver's licensing administrator of another state, except as
3 specifically allowed by a probationary license, judicial
4 driving permit, restricted driving permit, or monitoring
5 device driving permit, the Secretary shall extend the
6 suspension for the same period of time as the originally
7 imposed suspension unless the suspension has already expired,
8 in which case the Secretary shall be authorized to suspend the
9 person's driving privileges for the same period of time as the
10 originally imposed suspension.

11 (b-2) Except as provided in subsection (b-6) or (a-7), upon
12 receiving a report of the conviction of any violation
13 indicating a person was operating a motor vehicle when the
14 person's driver's license, permit, or privilege was revoked by
15 the Secretary of State or the driver's license administrator of
16 any other state, except as specifically allowed by a restricted
17 driving permit issued pursuant to this Code or the law of
18 another state, the Secretary shall not issue a driver's license
19 for an additional period of one year from the date of such
20 conviction indicating such person was operating a vehicle
21 during such period of revocation.

22 (b-3) (Blank).

23 (b-4) When the Secretary of State receives a report of a
24 conviction of any violation indicating a person was operating a
25 motor vehicle that was not equipped with an ignition interlock
26 device during a time when the person was prohibited from

1 operating a motor vehicle not equipped with such a device, the
2 Secretary shall not issue a driver's license to that person for
3 an additional period of one year from the date of the
4 conviction.

5 (b-5) Any person convicted of violating this Section shall
6 serve a minimum term of imprisonment of 30 consecutive days or
7 300 hours of community service when the person's driving
8 privilege was revoked or suspended as a result of a violation
9 of Section 9-3 of the Criminal Code of 1961 or the Criminal
10 Code of 2012, relating to the offense of reckless homicide, or
11 a violation of subparagraph (F) of paragraph (1) of subsection
12 (d) of Section 11-501 of this Code, relating to the offense of
13 aggravated driving under the influence of alcohol, other drug
14 or drugs, or intoxicating compound or compounds, or any
15 combination thereof when the violation was a proximate cause of
16 a death, or a similar provision of a law of another state. The
17 court may give credit toward the fulfillment of community
18 service hours for participation in activities and treatment as
19 determined by court services.

20 (b-6) Upon receiving a report of a first conviction of
21 operating a motor vehicle while the person's driver's license,
22 permit, or privilege was revoked where the revocation was for a
23 violation of Section 9-3 of the Criminal Code of 1961 or the
24 Criminal Code of 2012 relating to the offense of reckless
25 homicide, or a violation of subparagraph (F) of paragraph (1)
26 of subsection (d) of Section 11-501 of this Code, relating to

1 the offense of aggravated driving under the influence of
2 alcohol, other drug or drugs, or intoxicating compound or
3 compounds, or any combination thereof when the violation was a
4 proximate cause of a death, or a similar out-of-state offense,
5 the Secretary shall not issue a driver's license for an
6 additional period of 3 ~~three~~ years from the date of such
7 conviction.

8 (c) Except as provided in subsections (c-3) and (c-4), any
9 person convicted of violating this Section shall serve a
10 minimum term of imprisonment of 10 consecutive days or 30 days
11 of community service when the person's driving privilege was
12 revoked or suspended as a result of:

13 (1) a violation of Section 11-501 of this Code or a
14 similar provision of a local ordinance relating to the
15 offense of operating or being in physical control of a
16 vehicle while under the influence of alcohol, any other
17 drug or any combination thereof; or

18 (2) a violation of paragraph (b) of Section 11-401 of
19 this Code or a similar provision of a local ordinance
20 relating to the offense of leaving the scene of a motor
21 vehicle accident involving personal injury or death; or

22 (3) a statutory summary suspension or revocation under
23 Section 11-501.1 of this Code.

24 Such sentence of imprisonment or community service shall
25 not be subject to suspension in order to reduce such sentence.

26 (c-1) Except as provided in subsections (a-7), (c-5), and

1 (d), any person convicted of a second violation of this Section
2 shall be ordered by the court to serve a minimum of 100 hours
3 of community service. The court may give credit toward the
4 fulfillment of community service hours for participation in
5 activities and treatment as determined by court services.

6 (c-2) In addition to other penalties imposed under this
7 Section, the court may impose on any person convicted a fourth
8 time of violating this Section any of the following:

9 (1) Seizure of the license plates of the person's
10 vehicle.

11 (2) Immobilization of the person's vehicle for a period
12 of time to be determined by the court.

13 (c-3) Any person convicted of a violation of this Section
14 during a period of summary suspension imposed pursuant to
15 Section 11-501.1 when the person was eligible for a monitoring
16 device driving permit ~~MDDP~~ shall be guilty of a Class 4 felony
17 and shall serve a minimum term of imprisonment of 30 days.

18 (c-4) Any person who has been issued a monitoring device
19 driving permit ~~MDDP~~ or a restricted driving permit which
20 requires the person to operate only motor vehicles equipped
21 with an ignition interlock device and who is convicted of a
22 violation of this Section as a result of operating or being in
23 actual physical control of a motor vehicle not equipped with an
24 ignition interlock device at the time of the offense shall be
25 guilty of a Class 4 felony and shall serve a minimum term of
26 imprisonment of 30 days.

1 (c-5) Any person convicted of a second violation of this
2 Section is guilty of a Class 2 felony, is not eligible for
3 probation or conditional discharge, and shall serve a mandatory
4 term of imprisonment, if:

5 (1) the current violation occurred when the person's
6 driver's license was suspended or revoked for a violation
7 of Section 9-3 of the Criminal Code of 1961 or the Criminal
8 Code of 2012, relating to the offense of reckless homicide,
9 or a violation of subparagraph (F) of paragraph (1) of
10 subsection (d) of Section 11-501 of this Code, relating to
11 the offense of aggravated driving under the influence of
12 alcohol, other drug or drugs, or intoxicating compound or
13 compounds, or any combination thereof when the violation
14 was a proximate cause of a death, or a similar out-of-state
15 offense; and

16 (2) the prior conviction under this Section occurred
17 while the person's driver's license was suspended or
18 revoked for a violation of Section 9-3 of the Criminal Code
19 of 1961 or the Criminal Code of 2012 relating to the
20 offense of reckless homicide, or a violation of
21 subparagraph (F) of paragraph (1) of subsection (d) of
22 Section 11-501 of this Code, relating to the offense of
23 aggravated driving under the influence of alcohol, other
24 drug or drugs, or intoxicating compound or compounds, or
25 any combination thereof when the violation was a proximate
26 cause of a death, or a similar out-of-state offense, or was

1 suspended or revoked for a violation of Section 11-401 or
2 11-501 of this Code, a similar out-of-state offense, a
3 similar provision of a local ordinance, or a statutory
4 summary suspension or revocation under Section 11-501.1 of
5 this Code.

6 (d) Any person convicted of a second violation of this
7 Section shall be guilty of a Class 4 felony and shall serve a
8 minimum term of imprisonment of 30 days or 300 hours of
9 community service, as determined by the court, if:

10 (1) the current violation occurred when the person's
11 driver's license was suspended or revoked for a violation
12 of Section 11-401 or 11-501 of this Code, a similar
13 out-of-state offense, a similar provision of a local
14 ordinance, or a statutory summary suspension or revocation
15 under Section 11-501.1 of this Code; and

16 (2) the prior conviction under this Section occurred
17 while the person's driver's license was suspended or
18 revoked for a violation of Section 11-401 or 11-501 of this
19 Code, a similar out-of-state offense, a similar provision
20 of a local ordinance, or a statutory summary suspension or
21 revocation under Section 11-501.1 of this Code, or for a
22 violation of Section 9-3 of the Criminal Code of 1961 or
23 the Criminal Code of 2012, relating to the offense of
24 reckless homicide, or a violation of subparagraph (F) of
25 paragraph (1) of subsection (d) of Section 11-501 of this
26 Code, relating to the offense of aggravated driving under

1 the influence of alcohol, other drug or drugs, or
2 intoxicating compound or compounds, or any combination
3 thereof when the violation was a proximate cause of a
4 death, or a similar out-of-state offense.

5 ~~(3)~~ The court may give credit toward the fulfillment of
6 community service hours for participation in activities and
7 treatment as determined by court services.

8 (d-1) Except as provided in subsections (a-7), (d-2),
9 (d-2.5), and (d-3), any person convicted of a third or
10 subsequent violation of this Section shall serve a minimum term
11 of imprisonment of 30 days or 300 hours of community service,
12 as determined by the court. The court may give credit toward
13 the fulfillment of community service hours for participation in
14 activities and treatment as determined by court services.

15 (d-2) Any person convicted of a third violation of this
16 Section is guilty of a Class 4 felony and must serve a minimum
17 term of imprisonment of 30 days, if:

18 (1) the current violation occurred when the person's
19 driver's license was suspended or revoked for a violation
20 of Section 11-401 or 11-501 of this Code, or a similar
21 out-of-state offense, or a similar provision of a local
22 ordinance, or a statutory summary suspension or revocation
23 under Section 11-501.1 of this Code; and

24 (2) the prior convictions under this Section occurred
25 while the person's driver's license was suspended or
26 revoked for a violation of Section 11-401 or 11-501 of this

1 Code, a similar out-of-state offense, a similar provision
2 of a local ordinance, or a statutory summary suspension or
3 revocation under Section 11-501.1 of this Code, or for a
4 violation of Section 9-3 of the Criminal Code of 1961 or
5 the Criminal Code of 2012, relating to the offense of
6 reckless homicide, or a violation of subparagraph (F) of
7 paragraph (1) of subsection (d) of Section 11-501 of this
8 Code, relating to the offense of aggravated driving under
9 the influence of alcohol, other drug or drugs, or
10 intoxicating compound or compounds, or any combination
11 thereof when the violation was a proximate cause of a
12 death, or a similar out-of-state offense.

13 (d-2.5) Any person convicted of a third violation of this
14 Section is guilty of a Class 1 felony, is not eligible for
15 probation or conditional discharge, and must serve a mandatory
16 term of imprisonment, if:

17 (1) the current violation occurred while the person's
18 driver's license was suspended or revoked for a violation
19 of Section 9-3 of the Criminal Code of 1961 or the Criminal
20 Code of 2012, relating to the offense of reckless homicide,
21 or a violation of subparagraph (F) of paragraph (1) of
22 subsection (d) of Section 11-501 of this Code, relating to
23 the offense of aggravated driving under the influence of
24 alcohol, other drug or drugs, or intoxicating compound or
25 compounds, or any combination thereof when the violation
26 was a proximate cause of a death, or a similar out-of-state

1 offense. The person's driving privileges shall be revoked
2 for the remainder of the person's life; and

3 (2) the prior convictions under this Section occurred
4 while the person's driver's license was suspended or
5 revoked for a violation of Section 9-3 of the Criminal Code
6 of 1961 or the Criminal Code of 2012, relating to the
7 offense of reckless homicide, or a violation of
8 subparagraph (F) of paragraph (1) of subsection (d) of
9 Section 11-501 of this Code, relating to the offense of
10 aggravated driving under the influence of alcohol, other
11 drug or drugs, or intoxicating compound or compounds, or
12 any combination thereof when the violation was a proximate
13 cause of a death, or a similar out-of-state offense, or was
14 suspended or revoked for a violation of Section 11-401 or
15 11-501 of this Code, a similar out-of-state offense, a
16 similar provision of a local ordinance, or a statutory
17 summary suspension or revocation under Section 11-501.1 of
18 this Code.

19 (d-3) Any person convicted of a fourth, fifth, sixth,
20 seventh, eighth, or ninth violation of this Section is guilty
21 of a Class 4 felony and must serve a minimum term of
22 imprisonment of 180 days, if:

23 (1) the current violation occurred when the person's
24 driver's license was suspended or revoked for a violation
25 of Section 11-401 or 11-501 of this Code, a similar
26 out-of-state offense, a similar provision of a local

1 ordinance, or a statutory summary suspension or revocation
2 under Section 11-501.1 of this Code; and

3 (2) the prior convictions under this Section occurred
4 while the person's driver's license was suspended or
5 revoked for a violation of Section 11-401 or 11-501 of this
6 Code, a similar out-of-state offense, a similar provision
7 of a local ordinance, or a statutory summary suspension or
8 revocation under Section 11-501.1 of this Code, or for a
9 violation of Section 9-3 of the Criminal Code of 1961 or
10 the Criminal Code of 2012, relating to the offense of
11 reckless homicide, or a violation of subparagraph (F) of
12 paragraph (1) of subsection (d) of Section 11-501 of this
13 Code, relating to the offense of aggravated driving under
14 the influence of alcohol, other drug or drugs, or
15 intoxicating compound or compounds, or any combination
16 thereof when the violation was a proximate cause of a
17 death, or a similar out-of-state offense.

18 (d-3.5) Any person convicted of a fourth or subsequent
19 violation of this Section is guilty of a Class 1 felony, is not
20 eligible for probation or conditional discharge, and must serve
21 a mandatory term of imprisonment, ~~and is eligible for an~~
22 ~~extended term,~~ if:

23 (1) the current violation occurred when the person's
24 driver's license was suspended or revoked for a violation
25 of Section 9-3 of the Criminal Code of 1961 or the Criminal
26 Code of 2012, relating to the offense of reckless homicide,

1 or a violation of subparagraph (F) of paragraph (1) of
2 subsection (d) of Section 11-501 of this Code, relating to
3 the offense of aggravated driving under the influence of
4 alcohol, other drug or drugs, or intoxicating compound or
5 compounds, or any combination thereof when the violation
6 was a proximate cause of a death, or a similar out-of-state
7 offense; and

8 (2) the prior convictions under this Section occurred
9 while the person's driver's license was suspended or
10 revoked for a violation of Section 9-3 of the Criminal Code
11 of 1961 or the Criminal Code of 2012, relating to the
12 offense of reckless homicide, or a violation of
13 subparagraph (F) of paragraph (1) of subsection (d) of
14 Section 11-501 of this Code, relating to the offense of
15 aggravated driving under the influence of alcohol, other
16 drug or drugs, or intoxicating compound or compounds, or
17 any combination thereof when the violation was a proximate
18 cause of a death, or a similar out-of-state offense, or was
19 suspended or revoked for a violation of Section 11-401 or
20 11-501 of this Code, a similar out-of-state offense, a
21 similar provision of a local ordinance, or a statutory
22 summary suspension or revocation under Section 11-501.1 of
23 this Code.

24 (d-4) Any person convicted of a tenth, eleventh, twelfth,
25 thirteenth, or fourteenth violation of this Section is guilty
26 of a Class 3 felony, and is not eligible for probation or

1 conditional discharge, if:

2 (1) the current violation occurred when the person's
3 driver's license was suspended or revoked for a violation
4 of Section 11-401 or 11-501 of this Code, or a similar
5 out-of-state offense, or a similar provision of a local
6 ordinance, or a statutory summary suspension or revocation
7 under Section 11-501.1 of this Code; and

8 (2) the prior convictions under this Section occurred
9 while the person's driver's license was suspended or
10 revoked for a violation of Section 11-401 or 11-501 of this
11 Code, a similar out-of-state offense, a similar provision
12 of a local ordinance, or a statutory suspension or
13 revocation under Section 11-501.1 of this Code, or for a
14 violation of Section 9-3 of the Criminal Code of 1961 or
15 the Criminal Code of 2012, relating to the offense of
16 reckless homicide, or a violation of subparagraph (F) of
17 paragraph (1) of subsection (d) of Section 11-501 of this
18 Code, relating to the offense of aggravated driving under
19 the influence of alcohol, other drug or drugs, or
20 intoxicating compound or compounds, or any combination
21 thereof when the violation was a proximate cause of a
22 death, or a similar out-of-state offense.

23 (d-5) Any person convicted of a fifteenth or subsequent
24 violation of this Section is guilty of a Class 2 felony, and is
25 not eligible for probation or conditional discharge, if:

26 (1) the current violation occurred when the person's

1 driver's license was suspended or revoked for a violation
2 of Section 11-401 or 11-501 of this Code, or a similar
3 out-of-state offense, or a similar provision of a local
4 ordinance, or a statutory summary suspension or revocation
5 under Section 11-501.1 of this Code; and

6 (2) the prior convictions under this Section occurred
7 while the person's driver's license was suspended or
8 revoked for a violation of Section 11-401 or 11-501 of this
9 Code, a similar out-of-state offense, a similar provision
10 of a local ordinance, or a statutory summary suspension or
11 revocation under Section 11-501.1 of this Code, or for a
12 violation of Section 9-3 of the Criminal Code of 1961 or
13 the Criminal Code of 2012, relating to the offense of
14 reckless homicide, or a violation of subparagraph (F) of
15 paragraph (1) of subsection (d) of Section 11-501 of this
16 Code, relating to the offense of aggravated driving under
17 the influence of alcohol, other drug or drugs, or
18 intoxicating compound or compounds, or any combination
19 thereof when the violation was a proximate cause of a
20 death, or a similar out-of-state offense.

21 (e) Any person in violation of this Section who is also in
22 violation of Section 7-601 of this Code relating to mandatory
23 insurance requirements, in addition to other penalties imposed
24 under this Section, shall have his or her motor vehicle
25 immediately impounded by the arresting law enforcement
26 officer. The motor vehicle may be released to any licensed

1 driver upon a showing of proof of insurance for the vehicle
2 that was impounded and the notarized written consent for the
3 release by the vehicle owner.

4 (f) For any prosecution under this Section, a certified
5 copy of the driving abstract of the defendant shall be admitted
6 as proof of any prior conviction.

7 (g) The motor vehicle used in a violation of this Section
8 is subject to seizure and forfeiture as provided in Sections
9 36-1 and 36-2 of the Criminal Code of 2012 if the person's
10 driving privilege was revoked or suspended as a result of:

11 (1) a violation of Section 11-501 of this Code, a
12 similar provision of a local ordinance, or a similar
13 provision of a law of another state;

14 (2) a violation of paragraph (b) of Section 11-401 of
15 this Code, a similar provision of a local ordinance, or a
16 similar provision of a law of another state;

17 (3) a statutory summary suspension or revocation under
18 Section 11-501.1 of this Code or a similar provision of a
19 law of another state; or

20 (4) a violation of Section 9-3 of the Criminal Code of
21 1961 or the Criminal Code of 2012 relating to the offense
22 of reckless homicide, or a violation of subparagraph (F) of
23 paragraph (1) of subsection (d) of Section 11-501 of this
24 Code, relating to the offense of aggravated driving under
25 the influence of alcohol, other drug or drugs, or
26 intoxicating compound or compounds, or any combination

1 thereof when the violation was a proximate cause of a
2 death, or a similar provision of a law of another state.
3 (Source: P.A. 99-290, eff. 1-1-16; 100-149, eff. 1-1-18;
4 100-575, eff. 1-8-18; 100-1004, eff. 1-1-19; revised
5 10-22-18.)

6 Section 900. The Criminal Code of 2012 is amended by
7 changing Sections 2-7, 9-3.3, 10-9, and 12-3.3 as follows:

8 (720 ILCS 5/2-7) (from Ch. 38, par. 2-7)

9 Sec. 2-7. "Felony".

10 Except as otherwise provided in this Section, "felony"
11 "Felony" means an offense for which a sentence to death or to a
12 term of imprisonment in a penitentiary for one year or more is
13 provided. In the case of a Class 4 felony, "felony" means an
14 offense for which a term of imprisonment of not less than 6
15 months and not more than one year in a penal institution, other
16 than a penitentiary, is provided.

17 (Source: P.A. 77-2638.)

18 (720 ILCS 5/9-3.3) (from Ch. 38, par. 9-3.3)

19 Sec. 9-3.3. Drug-induced homicide.

20 (a) A person commits drug-induced homicide when he or she
21 violates Section 401 of the Illinois Controlled Substances Act
22 or Section 55 of the Methamphetamine Control and Community
23 Protection Act by unlawfully delivering a controlled substance

1 to another, and any person's death is caused by the injection,
2 inhalation, absorption, or ingestion of any amount of that
3 controlled substance.

4 (a-5) A person commits drug-induced homicide when he or she
5 violates the law of another jurisdiction, which if the
6 violation had been committed in this State could be charged
7 under Section 401 of the Illinois Controlled Substances Act or
8 Section 55 of the Methamphetamine Control and Community
9 Protection Act, by unlawfully delivering a controlled
10 substance to another, and any person's death is caused in this
11 State by the injection, inhalation, absorption, or ingestion of
12 any amount of that controlled substance.

13 (b) Sentence. Drug-induced homicide is a Class X felony,
14 except:

15 (1) A person who commits drug-induced homicide by
16 violating subsection (a) or subsection (c) of Section 401
17 of the Illinois Controlled Substances Act or Section 55 of
18 the Methamphetamine Control and Community Protection Act
19 commits a Class X felony for which the defendant shall in
20 addition to a sentence authorized by law, be sentenced to a
21 term of imprisonment of not less than 15 years and not more
22 than 30 years ~~or an extended term of not less than 30 years~~
23 ~~and not more than 60 years.~~

24 (2) A person who commits drug-induced homicide by
25 violating the law of another jurisdiction, which if the
26 violation had been committed in this State could be charged

1 under subsection (a) or subsection (c) of Section 401 of
2 the Illinois Controlled Substances Act or Section 55 of the
3 Methamphetamine Control and Community Protection Act,
4 commits a Class X felony for which the defendant shall, in
5 addition to a sentence authorized by law, be sentenced to a
6 term of imprisonment of not less than 15 years and not more
7 than 30 years ~~or an extended term of not less than 30 years~~
8 ~~and not more than 60 years.~~

9 (Source: P.A. 100-404, eff. 1-1-18.)

10 (720 ILCS 5/10-9)

11 Sec. 10-9. Trafficking in persons, involuntary servitude,
12 and related offenses.

13 (a) Definitions. In this Section:

14 (1) "Intimidation" has the meaning prescribed in
15 Section 12-6.

16 (2) "Commercial sexual activity" means any sex act on
17 account of which anything of value is given, promised to,
18 or received by any person.

19 (3) "Financial harm" includes intimidation that brings
20 about financial loss, criminal usury, or employment
21 contracts that violate the Frauds Act.

22 (4) (Blank).

23 (5) "Labor" means work of economic or financial value.

24 (6) "Maintain" means, in relation to labor or services,
25 to secure continued performance thereof, regardless of any

1 initial agreement on the part of the victim to perform that
2 type of service.

3 (7) "Obtain" means, in relation to labor or services,
4 to secure performance thereof.

5 (7.5) "Serious harm" means any harm, whether physical
6 or nonphysical, including psychological, financial, or
7 reputational harm, that is sufficiently serious, under all
8 the surrounding circumstances, to compel a reasonable
9 person of the same background and in the same circumstances
10 to perform or to continue performing labor or services in
11 order to avoid incurring that harm.

12 (8) "Services" means activities resulting from a
13 relationship between a person and the actor in which the
14 person performs activities under the supervision of or for
15 the benefit of the actor. Commercial sexual activity and
16 sexually-explicit performances are forms of activities
17 that are "services" under this Section. Nothing in this
18 definition may be construed to legitimize or legalize
19 prostitution.

20 (9) "Sexually-explicit performance" means a live,
21 recorded, broadcast (including over the Internet), or
22 public act or show intended to arouse or satisfy the sexual
23 desires or appeal to the prurient interests of patrons.

24 (10) "Trafficking victim" means a person subjected to
25 the practices set forth in subsection (b), (c), or (d).

26 (b) Involuntary servitude. A person commits involuntary

1 servitude when he or she knowingly subjects, attempts to
2 subject, or engages in a conspiracy to subject another person
3 to labor or services obtained or maintained through any of the
4 following means, or any combination of these means:

5 (1) causes or threatens to cause physical harm to any
6 person;

7 (2) physically restrains or threatens to physically
8 restrain another person;

9 (3) abuses or threatens to abuse the law or legal
10 process;

11 (4) knowingly destroys, conceals, removes,
12 confiscates, or possesses any actual or purported passport
13 or other immigration document, or any other actual or
14 purported government identification document, of another
15 person;

16 (5) uses intimidation, or exerts financial control
17 over any person; or

18 (6) uses any scheme, plan, or pattern intended to cause
19 the person to believe that, if the person did not perform
20 the labor or services, that person or another person would
21 suffer serious harm or physical restraint.

22 Sentence. Except as otherwise provided in subsection (e) or
23 (f), a violation of subsection (b)(1) is a Class X felony,
24 (b)(2) is a Class 1 felony, (b)(3) is a Class 2 felony, (b)(4)
25 is a Class 3 felony, (b)(5) and (b)(6) is a Class 4 felony.

26 (c) Involuntary sexual servitude of a minor. A person

1 commits involuntary sexual servitude of a minor when he or she
2 knowingly recruits, entices, harbors, transports, provides, or
3 obtains by any means, or attempts to recruit, entice, harbor,
4 provide, or obtain by any means, another person under 18 years
5 of age, knowing that the minor will engage in commercial sexual
6 activity, a sexually-explicit performance, or the production
7 of pornography, or causes or attempts to cause a minor to
8 engage in one or more of those activities and:

9 (1) there is no overt force or threat and the minor is
10 between the ages of 17 and 18 years;

11 (2) there is no overt force or threat and the minor is
12 under the age of 17 years; or

13 (3) there is overt force or threat.

14 Sentence. Except as otherwise provided in subsection (e) or
15 (f), a violation of subsection (c)(1) is a Class 1 felony,
16 (c)(2) is a Class X felony, and (c)(3) is a Class X felony.

17 (d) Trafficking in persons. A person commits trafficking in
18 persons when he or she knowingly: (1) recruits, entices,
19 harbors, transports, provides, or obtains by any means, or
20 attempts to recruit, entice, harbor, transport, provide, or
21 obtain by any means, another person, intending or knowing that
22 the person will be subjected to involuntary servitude; or (2)
23 benefits, financially or by receiving anything of value, from
24 participation in a venture that has engaged in an act of
25 involuntary servitude or involuntary sexual servitude of a
26 minor.

1 Sentence. Except as otherwise provided in subsection (e) or
2 (f), a violation of this subsection is a Class 1 felony.

3 (e) Aggravating factors. A violation of this Section
4 involving kidnapping or an attempt to kidnap, aggravated
5 criminal sexual assault or an attempt to commit aggravated
6 criminal sexual assault, or an attempt to commit first degree
7 murder is a Class X felony.

8 (f) Sentencing considerations.

9 (1) (Blank). ~~Bodily injury. If, pursuant to a violation~~
10 ~~of this Section, a victim suffered bodily injury, the~~
11 ~~defendant may be sentenced to an extended term sentence~~
12 ~~under Section 5-8-2 of the Unified Code of Corrections. The~~
13 ~~sentencing court must take into account the time in which~~
14 ~~the victim was held in servitude, with increased penalties~~
15 ~~for cases in which the victim was held for between 180 days~~
16 ~~and one year, and increased penalties for cases in which~~
17 ~~the victim was held for more than one year.~~

18 (2) Number of victims. In determining sentences within
19 statutory maximums, the sentencing court should take into
20 account the number of victims, and may provide for
21 substantially increased sentences in cases involving more
22 than 10 victims.

23 (g) Restitution. Restitution is mandatory under this
24 Section. In addition to any other amount of loss identified,
25 the court shall order restitution including the greater of (1)
26 the gross income or value to the defendant of the victim's

1 labor or services or (2) the value of the victim's labor as
2 guaranteed under the Minimum Wage Law and overtime provisions
3 of the Fair Labor Standards Act (FLSA) or the Minimum Wage Law,
4 whichever is greater.

5 (g-5) Fine distribution. If the court imposes a fine under
6 subsection (b), (c), or (d) of this Section, it shall be
7 collected and distributed to the Specialized Services for
8 Survivors of Human Trafficking Fund in accordance with Section
9 5-9-1.21 of the Unified Code of Corrections.

10 (h) Trafficking victim services. Subject to the
11 availability of funds, the Department of Human Services may
12 provide or fund emergency services and assistance to
13 individuals who are victims of one or more offenses defined in
14 this Section.

15 (i) Certification. The Attorney General, a State's
16 Attorney, or any law enforcement official shall certify in
17 writing to the United States Department of Justice or other
18 federal agency, such as the United States Department of
19 Homeland Security, that an investigation or prosecution under
20 this Section has begun and the individual who is a likely
21 victim of a crime described in this Section is willing to
22 cooperate or is cooperating with the investigation to enable
23 the individual, if eligible under federal law, to qualify for
24 an appropriate special immigrant visa and to access available
25 federal benefits. Cooperation with law enforcement shall not be
26 required of victims of a crime described in this Section who

1 are under 18 years of age. This certification shall be made
2 available to the victim and his or her designated legal
3 representative.

4 (j) A person who commits involuntary servitude,
5 involuntary sexual servitude of a minor, or trafficking in
6 persons under subsection (b), (c), or (d) of this Section is
7 subject to the property forfeiture provisions set forth in
8 Article 124B of the Code of Criminal Procedure of 1963.

9 (Source: P.A. 97-897, eff. 1-1-13; 98-756, eff. 7-16-14;
10 98-1013, eff. 1-1-15.)

11 (720 ILCS 5/12-3.3)

12 Sec. 12-3.3. Aggravated domestic battery.

13 (a) A person who, in committing a domestic battery,
14 knowingly causes great bodily harm, or permanent disability or
15 disfigurement commits aggravated domestic battery.

16 (a-5) A person who, in committing a domestic battery,
17 strangles another individual commits aggravated domestic
18 battery. For the purposes of this subsection (a-5), "strangle"
19 means intentionally impeding the normal breathing or
20 circulation of the blood of an individual by applying pressure
21 on the throat or neck of that individual or by blocking the
22 nose or mouth of that individual.

23 (b) Sentence. Aggravated domestic battery is a Class 2
24 felony. Any order of probation or conditional discharge entered
25 following a conviction for an offense under this Section must

1 include, in addition to any other condition of probation or
2 conditional discharge, a condition that the offender serve a
3 mandatory term of imprisonment of not less than 60 consecutive
4 days. A person convicted of a second or subsequent violation of
5 this Section must be sentenced to a mandatory term of
6 imprisonment of not less than 3 years and not more than 7 years
7 ~~or an extended term of imprisonment of not less than 7 years~~
8 ~~and not more than 14 years.~~

9 (c) Upon conviction of aggravated domestic battery, the
10 court shall advise the defendant orally or in writing,
11 substantially as follows: "An individual convicted of
12 aggravated domestic battery may be subject to federal criminal
13 penalties for possessing, transporting, shipping, or receiving
14 any firearm or ammunition in violation of the federal Gun
15 Control Act of 1968 (18 U.S.C. 922(g)(8) and (9))." A notation
16 shall be made in the court file that the admonition was given.

17 (Source: P.A. 96-287, eff. 8-11-09; 96-363, eff. 8-13-09;
18 96-1000, eff. 7-2-10; 96-1551, eff. 7-1-11.)

19 Section 905. The Unified Code of Corrections is amended by
20 changing Sections 5-1-9, 5-4.5-15, 5-4.5-20, 5-4.5-25,
21 5-4.5-30, 5-4.5-35, 5-4.5-40, 5-4.5-45, 5-4.5-50, 5-4.5-85,
22 5-4.5-95, 5-5-3, 5-5-3.2, 5-8-2 as follows:

23 (730 ILCS 5/5-1-9) (from Ch. 38, par. 1005-1-9)

24 Sec. 5-1-9. Felony.

1 " Felony" has the meaning ascribed to it in Section 2-7 of
2 the Criminal Code of 2012 ~~means an offense for which a sentence~~
3 ~~to death or to a term of imprisonment in a penitentiary for one~~
4 ~~year or more is provided.~~

5 (Source: P.A. 77-2097.)

6 (730 ILCS 5/5-4.5-15)

7 Sec. 5-4.5-15. DISPOSITIONS.

8 (a) APPROPRIATE DISPOSITIONS. The following are
9 appropriate dispositions, alone or in combination, for all
10 felonies and misdemeanors other than as provided in Section
11 5-5-3 ~~(730 ILCS 5/5-5-3)~~ or as specifically provided in the
12 statute defining the offense or elsewhere:

13 (1) A period of probation.

14 (2) A term of periodic imprisonment.

15 (3) A term of conditional discharge.

16 (4) A term of imprisonment.

17 (5) A fine.

18 (6) Restitution to the victim.

19 (7) Participation in an impact incarceration program.

20 (8) A term of imprisonment in combination with a term
21 of probation when the offender has been admitted into a
22 drug court program.

23 (9) If the defendant is convicted of arson, aggravated
24 arson, residential arson, or place of worship arson, an
25 order directing the offender to reimburse the local

1 emergency response department for the costs of responding
2 to the fire that the offender was convicted of setting in
3 accordance with the Emergency Services Response
4 Reimbursement for Criminal Convictions Act.

5 (b) FINE; RESTITUTION; ~~NOT SOLE DISPOSITION.~~ A ~~Neither a~~
6 fine or ~~nor~~ restitution may ~~shall~~ be the sole disposition for a
7 Class 4 felony, and either or both may be imposed only in
8 conjunction with another disposition.

9 (c) PAROLE; MANDATORY SUPERVISED RELEASE. Except when a
10 term of natural life is imposed, every sentence includes a term
11 in addition to the term of imprisonment. For those sentenced
12 under the law in effect before February 1, 1978, that term is a
13 parole term. For those sentenced on or after February 1, 1978,
14 that term is a mandatory supervised release term.

15 (Source: P.A. 95-1052, eff. 7-1-09; incorporates P.A. 96-400,
16 eff. 8-13-09; 96-1000, eff. 7-2-10.)

17 (730 ILCS 5/5-4.5-20)

18 Sec. 5-4.5-20. FIRST DEGREE MURDER; SENTENCE. For first
19 degree murder:

20 (a) TERM. The defendant shall be sentenced to imprisonment
21 or, if appropriate, death under Section 9-1 of the Criminal
22 Code of 1961 or the Criminal Code of 2012 ~~(720 ILCS 5/9-1)~~.
23 Imprisonment shall be for a determinate term of (1) ~~not less~~
24 ~~than 20 years and not more than 60 years;~~ (2) (blank); ~~not less~~
25 ~~than 60 years and not more than 100 years when an extended term~~

1 ~~is imposed under Section 5-8-2 (730 ILCS 5/5-8-2)~~, or (3)
2 natural life as provided in Section 5-8-1 ~~(730 ILCS 5/5-8-1)~~.

3 (b) PERIODIC IMPRISONMENT. A term of periodic imprisonment
4 shall not be imposed.

5 (c) IMPACT INCARCERATION. The impact incarceration program
6 or the county impact incarceration program is not an authorized
7 disposition.

8 (d) PROBATION; CONDITIONAL DISCHARGE. A period of
9 probation or conditional discharge shall not be imposed.

10 (e) FINE. Fines may be imposed as provided in Section
11 5-4.5-50(b) ~~(730 ILCS 5/5-4.5-50(b))~~.

12 (f) RESTITUTION. See Section 5-5-6 ~~(730 ILCS 5/5-5-6)~~
13 concerning restitution.

14 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
15 be concurrent or consecutive as provided in Section 5-8-4 ~~(730~~
16 ~~ILCS 5/5-8-4)~~ and Section 5-4.5-50 ~~(730 ILCS 5/5-4.5-50)~~.

17 (h) DRUG COURT. Drug court is not an authorized
18 disposition.

19 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 ~~(730~~
20 ~~ILCS 5/5-4.5-100)~~ concerning no credit for time spent in home
21 detention prior to judgment.

22 (j) SENTENCE CREDIT. See Section 3-6-3 ~~(730 ILCS 5/3-6-3)~~
23 for rules and regulations for sentence credit.

24 (k) ELECTRONIC MONITORING AND HOME DETENTION. Electronic
25 monitoring and home detention are not authorized dispositions,
26 except in limited circumstances as provided in Section 5-8A-3

1 ~~(730 ILCS 5/5-8A-3).~~

2 (1) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
3 provided in Section 3-3-8 ~~(730 ILCS 5/3-3-8)~~, the parole or
4 mandatory supervised release term shall be 3 years upon release
5 from imprisonment.

6 (Source: P.A. 100-431, eff. 8-25-17.)

7 (730 ILCS 5/5-4.5-25)

8 Sec. 5-4.5-25. CLASS X FELONIES; SENTENCE. For a Class X
9 felony:

10 (a) TERM. The sentence of imprisonment shall be a
11 determinate sentence of not less than 4 ~~6~~ years and not more
12 than 15 ~~30~~ years. ~~The sentence of imprisonment for an extended~~
13 ~~term Class X felony, as provided in Section 5-8-2 (730 ILCS~~
14 ~~5/5-8-2), shall be not less than 30 years and not more than 60~~
15 ~~years.~~

16 (b) PERIODIC IMPRISONMENT. A term of periodic imprisonment
17 shall not be imposed.

18 (c) IMPACT INCARCERATION. The impact incarceration program
19 or the county impact incarceration program is not an authorized
20 disposition.

21 (d) PROBATION; CONDITIONAL DISCHARGE. A period of
22 probation or conditional discharge shall not be imposed.

23 (e) FINE. Fines may be imposed as provided in Section
24 5-4.5-50(b) ~~(730 ILCS 5/5-4.5-50(b))~~.

25 (f) RESTITUTION. See Section 5-5-6 ~~(730 ILCS 5/5-5-6)~~

1 concerning restitution.

2 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
3 be concurrent or consecutive as provided in Section 5-8-4 ~~(730~~
4 ~~ILCS 5/5-8-4)~~ and Section 5-4.5-50 ~~(730 ILCS 5/5-4.5-50)~~.

5 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
6 Act ~~(730 ILCS 166/20)~~ concerning eligibility for a drug court
7 program.

8 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 ~~(730~~
9 ~~ILCS 5/5-4.5-100)~~ concerning no credit for time spent in home
10 detention prior to judgment.

11 (j) SENTENCE CREDIT. See Section 3-6-3 ~~(730 ILCS 5/3-6-3)~~
12 for rules and regulations for sentence credit.

13 (k) ELECTRONIC MONITORING AND HOME DETENTION. See Section
14 5-8A-3 ~~(730 ILCS 5/5-8A-3)~~ concerning eligibility for
15 electronic monitoring and home detention.

16 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
17 provided in Section 3-3-8 or 5-8-1 ~~(730 ILCS 5/3-3-8 or~~
18 ~~5/5-8-1)~~, the parole or mandatory supervised release term shall
19 be 3 years upon release from imprisonment.

20 (Source: P.A. 100-431, eff. 8-25-17.)

21 (730 ILCS 5/5-4.5-30)

22 Sec. 5-4.5-30. CLASS 1 FELONIES; SENTENCE. For a Class 1
23 felony:

24 (a) TERM. The sentence of imprisonment, other than for
25 second degree murder, shall be a determinate sentence of not

1 less than 3 4 years and not more than 7 ~~15~~ years. The sentence
2 of imprisonment for second degree murder shall be a determinate
3 sentence of not less than 4 years and not more than 20 years.
4 ~~The sentence of imprisonment for an extended term Class 1~~
5 ~~felony, as provided in Section 5-8-2 (730 ILCS 5/5-8-2), shall~~
6 ~~be a term not less than 15 years and not more than 30 years.~~

7 (b) PERIODIC IMPRISONMENT. A sentence of periodic
8 imprisonment shall be for a definite term of from 3 to 4 years,
9 except as otherwise provided in Section 5-5-3 or 5-7-1 ~~(730~~
10 ~~ILCS 5/5-5-3 or 5/5-7-1)~~.

11 (c) IMPACT INCARCERATION. See Sections 5-8-1.1 and 5-8-1.2
12 ~~(730 ILCS 5/5-8-1.1 and 5/5-8-1.2)~~ concerning eligibility for
13 the impact incarceration program or the county impact
14 incarceration program.

15 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
16 in Section 5-5-3 or 5-6-2 ~~(730 ILCS 5/5-5-3 or 5/5-6-2)~~, the
17 period of probation or conditional discharge shall not exceed 4
18 years. The court shall specify the conditions of probation or
19 conditional discharge as set forth in Section 5-6-3 ~~(730 ILCS~~
20 ~~5/5-6-3)~~. In no case shall an offender be eligible for a
21 disposition of probation or conditional discharge for a Class 1
22 felony committed while he or she was serving a term of
23 probation or conditional discharge for a felony.

24 (e) FINE. Fines may be imposed as provided in Section
25 5-4.5-50(b) ~~(730 ILCS 5/5-4.5-50(b))~~.

26 (f) RESTITUTION. See Section 5-5-6 ~~(730 ILCS 5/5-5-6)~~

1 concerning restitution.

2 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
3 be concurrent or consecutive as provided in Section 5-8-4 ~~(730~~
4 ~~ILCS 5/5-8-4)~~ and Section 5-4.5-50 ~~(730 ILCS 5/5-4.5-50)~~.

5 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
6 Act ~~(730 ILCS 166/20)~~ concerning eligibility for a drug court
7 program.

8 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 ~~(730~~
9 ~~ILCS 5/5-4.5-100)~~ concerning credit for time spent in home
10 detention prior to judgment.

11 (j) SENTENCE CREDIT. See Section 3-6-3 of this Code ~~(730~~
12 ~~ILCS 5/3-6-3)~~ or the County Jail Good Behavior Allowance Act
13 ~~(730 ILCS 130/)~~ for rules and regulations for sentence credit.

14 (k) ELECTRONIC MONITORING AND HOME DETENTION. See Section
15 5-8A-3 ~~(730 ILCS 5/5-8A-3)~~ concerning eligibility for
16 electronic monitoring and home detention.

17 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
18 provided in Section 3-3-8 or 5-8-1 ~~(730 ILCS 5/3-3-8 or~~
19 ~~5/5-8-1)~~, the parole or mandatory supervised release term shall
20 be 2 years upon release from imprisonment.

21 (Source: P.A. 100-431, eff. 8-25-17.)

22 (730 ILCS 5/5-4.5-35)

23 Sec. 5-4.5-35. CLASS 2 FELONIES; SENTENCE. For a Class 2
24 felony:

25 (a) TERM. The sentence of imprisonment shall be a

1 determinate sentence of not less than 2 ~~3~~ years and not more
2 than 5 ~~7~~ years. ~~The sentence of imprisonment for an extended~~
3 ~~term Class 2 felony, as provided in Section 5-8-2 (730 ILCS~~
4 ~~5/5-8-2), shall be a term not less than 7 years and not more~~
5 ~~than 14 years.~~

6 (b) PERIODIC IMPRISONMENT. A sentence of periodic
7 imprisonment shall be for a definite term of from 18 to 30
8 months, except as otherwise provided in Section 5-5-3 or 5-7-1
9 ~~(730 ILCS 5/5-5-3 or 5/5-7-1).~~

10 (c) IMPACT INCARCERATION. See Sections 5-8-1.1 and 5-8-1.2
11 ~~(730 ILCS 5/5-8-1.1 and 5/5-8-1.2)~~ concerning eligibility for
12 the impact incarceration program or the county impact
13 incarceration program.

14 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
15 in Section 5-5-3 or 5-6-2 ~~(730 ILCS 5/5-5-3 or 5/5-6-2)~~, the
16 period of probation or conditional discharge shall not exceed 4
17 years. The court shall specify the conditions of probation or
18 conditional discharge as set forth in Section 5-6-3 ~~(730 ILCS~~
19 ~~5/5-6-3).~~

20 (e) FINE. Fines may be imposed as provided in Section
21 5-4.5-50(b) ~~(730 ILCS 5/5-4.5-50(b))~~.

22 (f) RESTITUTION. See Section 5-5-6 ~~(730 ILCS 5/5-5-6)~~
23 concerning restitution.

24 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
25 be concurrent or consecutive as provided in Section 5-8-4 ~~(730~~
26 ~~ILCS 5/5-8-4)~~ and Section 5-4.5-50 ~~(730 ILCS 5/5-4.5-50)~~.

1 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
2 Act ~~(730 ILCS 166/20)~~ concerning eligibility for a drug court
3 program.

4 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 ~~(730~~
5 ~~ILCS 5/5 4.5 100)~~ concerning credit for time spent in home
6 detention prior to judgment.

7 (j) SENTENCE CREDIT. See Section 3-6-3 of this Code ~~(730~~
8 ~~ILCS 5/3 6 3)~~ or the County Jail Good Behavior Allowance Act
9 ~~(730 ILCS 130/)~~ for rules and regulations for sentence credit.

10 (k) ELECTRONIC MONITORING AND HOME DETENTION. See Section
11 5-8A-3 ~~(730 ILCS 5/5 8A 3)~~ concerning eligibility for
12 electronic monitoring and home detention.

13 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
14 provided in Section 3-3-8 or 5-8-1 ~~(730 ILCS 5/3 3 8 or~~
15 ~~5/5 8 1)~~, the parole or mandatory supervised release term shall
16 be 2 years upon release from imprisonment.

17 (Source: P.A. 100-431, eff. 8-25-17.)

18 (730 ILCS 5/5-4.5-40)

19 Sec. 5-4.5-40. CLASS 3 FELONIES; SENTENCE. For a Class 3
20 felony:

21 (a) TERM. The sentence of imprisonment shall be a
22 determinate sentence of not less than one year ~~2 years~~ and not
23 more than 3 ~~5~~ years. ~~The sentence of imprisonment for an~~
24 ~~extended term Class 3 felony, as provided in Section 5 8 2 (730~~
25 ~~ILCS 5/5 8 2)~~, shall be a term not less than 5 years and not

1 ~~more than 10 years.~~

2 (b) PERIODIC IMPRISONMENT. A sentence of periodic
3 imprisonment shall be for a definite term of up to 18 months,
4 except as otherwise provided in Section 5-5-3 or 5-7-1 ~~(730~~
5 ~~ILCS 5/5-5-3 or 5/5-7-1)~~.

6 (c) IMPACT INCARCERATION. See Sections 5-8-1.1 and 5-8-1.2
7 ~~(730 ILCS 5/5-8-1.1 and 5/5-8-1.2)~~ concerning eligibility for
8 the impact incarceration program or the county impact
9 incarceration program.

10 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
11 in Section 5-5-3 or 5-6-2 ~~(730 ILCS 5/5-5-3 or 5/5-6-2)~~, the
12 period of probation or conditional discharge shall not exceed
13 30 months. The court shall specify the conditions of probation
14 or conditional discharge as set forth in Section 5-6-3 ~~(730~~
15 ~~ILCS 5/5-6-3)~~.

16 (e) FINE. Fines may be imposed as provided in Section
17 5-4.5-50(b) ~~(730 ILCS 5/5-4.5-50(b))~~.

18 (f) RESTITUTION. See Section 5-5-6 ~~(730 ILCS 5/5-5-6)~~
19 concerning restitution.

20 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
21 be concurrent or consecutive as provided in Section 5-8-4 ~~(730~~
22 ~~ILCS 5/5-8-4)~~ and Section 5-4.5-50 ~~(730 ILCS 5/5-4.5-50)~~.

23 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
24 Act ~~(730 ILCS 166/20)~~ concerning eligibility for a drug court
25 program.

26 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 ~~(730~~

1 ~~ILCS 5/5-4.5-100~~ concerning credit for time spent in home
2 detention prior to judgment.

3 (j) SENTENCE CREDIT. See Section 3-6-3 of this Code ~~(730~~
4 ~~ILCS 5/3-6-3)~~ or the County Jail Good Behavior Allowance Act
5 ~~(730 ILCS 130/)~~ for rules and regulations for sentence credit.

6 (k) ELECTRONIC MONITORING AND HOME DETENTION. See Section
7 5-8A-3 ~~(730 ILCS 5/5-8A-3)~~ concerning eligibility for
8 electronic monitoring and home detention.

9 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
10 provided in Section 3-3-8 or 5-8-1 ~~(730 ILCS 5/3-3-8 or~~
11 ~~5/5-8-1)~~, the parole or mandatory supervised release term shall
12 be one year upon release from imprisonment.

13 (Source: P.A. 100-431, eff. 8-25-17.)

14 (730 ILCS 5/5-4.5-45)

15 Sec. 5-4.5-45. CLASS 4 FELONIES; SENTENCE. For a Class 4
16 felony:

17 (a) TERM. The sentence of imprisonment shall be a
18 determinate sentence of not less than 6 months ~~one year~~ and not
19 more than one year ~~3 years~~. ~~The sentence of imprisonment for an~~
20 ~~extended term Class 4 felony, as provided in Section 5-8-2 (730~~
21 ~~ILCS 5/5-8-2), shall be a term not less than 3 years and not~~
22 ~~more than 6 years.~~

23 (b) PERIODIC IMPRISONMENT. A sentence of periodic
24 imprisonment shall be for a definite term of up to 18 months,
25 except as otherwise provided in Section 5-5-3 or 5-7-1 ~~(730~~

1 ~~ILCS 5/5-5-3 or 5/5-7-1~~).

2 (c) IMPACT INCARCERATION. See Sections 5-8-1.1 and 5-8-1.2
3 ~~(730 ILCS 5/5-8-1.1 and 5/5-8-1.2)~~ concerning eligibility for
4 the impact incarceration program or the county impact
5 incarceration program.

6 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
7 in Section 5-5-3 or 5-6-2 ~~(730 ILCS 5/5-5-3 or 5/5-6-2)~~, the
8 period of probation or conditional discharge shall not exceed
9 30 months. The court shall specify the conditions of probation
10 or conditional discharge as set forth in Section 5-6-3 ~~(730~~
11 ~~ILCS 5/5-6-3)~~.

12 (e) FINE. Fines may be imposed as provided in Section
13 5-4.5-50(b) ~~(730 ILCS 5/5-4.5-50(b))~~.

14 (f) RESTITUTION. See Section 5-5-6 ~~(730 ILCS 5/5-5-6)~~
15 concerning restitution.

16 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
17 be concurrent or consecutive as provided in Section 5-8-4 ~~(730~~
18 ~~ILCS 5/5-8-4)~~ and Section 5-4.5-50 ~~(730 ILCS 5/5-4.5-50)~~.

19 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
20 Act ~~(730 ILCS 166/20)~~ concerning eligibility for a drug court
21 program.

22 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 ~~(730~~
23 ~~ILCS 5/5-4.5-100)~~ concerning credit for time spent in home
24 detention prior to judgment.

25 (j) SENTENCE CREDIT. See Section 3-6-3 of this Code ~~(730~~
26 ~~ILCS 5/3-6-3)~~ or the County Jail Good Behavior Allowance Act

1 ~~(730 ILCS 130/)~~ for rules and regulations for sentence credit.

2 (k) ELECTRONIC MONITORING AND HOME DETENTION. See Section
3 5-8A-3 ~~(730 ILCS 5/5-8A-3)~~ concerning eligibility for
4 electronic monitoring and home detention.

5 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
6 provided in Section 3-3-8 or 5-8-1 ~~(730 ILCS 5/3-3-8 or~~
7 ~~5/5-8-1)~~, the parole or mandatory supervised release term shall
8 be one year upon release from imprisonment.

9 (Source: P.A. 100-431, eff. 8-25-17.)

10 (730 ILCS 5/5-4.5-50)

11 (Text of Section before amendment by P.A. 100-987 and
12 100-1161)

13 Sec. 5-4.5-50. SENTENCE PROVISIONS; ALL FELONIES. Except
14 as otherwise provided, for all felonies:

15 (a) NO SUPERVISION. The court, upon a plea of guilty or a
16 stipulation by the defendant of the facts supporting the charge
17 or a finding of guilt, may not defer further proceedings and
18 the imposition of a sentence and may not enter an order for
19 supervision of the defendant.

20 (b) FELONY FINES. An offender may be sentenced to pay a
21 fine not to exceed, for each offense, \$25,000 or the amount
22 specified in the offense, whichever is greater, or if the
23 offender is a corporation, \$50,000 or the amount specified in
24 the offense, whichever is greater. A fine may be imposed in
25 addition to a sentence of conditional discharge, probation,

1 periodic imprisonment, or imprisonment. See Article 9 of
2 Chapter V ~~(730 ILCS 5/Ch. V, Art. 9)~~ for imposition of
3 additional amounts and determination of amounts and payment.
4 The court shall consider the offender's financial
5 circumstances and ability to pay before and after imprisonment
6 before assessing any fine.

7 (c) REASONS FOR SENTENCE STATED. The sentencing judge in
8 each felony conviction shall set forth his or her reasons for
9 imposing the particular sentence entered in the case, as
10 provided in Section 5-4-1 ~~(730 ILCS 5/5-4-1)~~. Those reasons may
11 include any mitigating or aggravating factors specified in this
12 Code, or the lack of any such factors, as well as any other
13 mitigating or aggravating factors that the judge sets forth on
14 the record that are consistent with the purposes and principles
15 of sentencing set out in this Code.

16 (d) MOTION TO REDUCE SENTENCE. A motion to reduce a
17 sentence may be made, or the court may reduce a sentence
18 without motion, within 30 days after the sentence is imposed. A
19 defendant's challenge to the correctness of a sentence or to
20 any aspect of the sentencing hearing shall be made by a written
21 motion filed with the circuit court clerk within 30 days
22 following the imposition of sentence. A motion not filed within
23 that 30-day period is not timely. The court may not increase a
24 sentence once it is imposed. A notice of motion must be filed
25 with the motion. The notice of motion shall set the motion on
26 the court's calendar on a date certain within a reasonable time

1 after the date of filing.

2 If a motion filed pursuant to this subsection is timely
3 filed, the proponent of the motion shall exercise due diligence
4 in seeking a determination on the motion and the court shall
5 thereafter decide the motion within a reasonable time.

6 If a motion filed pursuant to this subsection is timely
7 filed, then for purposes of perfecting an appeal, a final
8 judgment is not considered to have been entered until the
9 motion to reduce the sentence has been decided by order entered
10 by the trial court.

11 (e) CONCURRENT SENTENCE; PREVIOUS UNEXPIRED FEDERAL OR
12 OTHER-STATE SENTENCE. A defendant who has a previous and
13 unexpired sentence of imprisonment imposed by another state or
14 by any district court of the United States and who, after
15 sentence for a crime in Illinois, must return to serve the
16 unexpired prior sentence may have his or her sentence by the
17 Illinois court ordered to be concurrent with the prior
18 other-state or federal sentence. The court may order that any
19 time served on the unexpired portion of the other-state or
20 federal sentence, prior to his or her return to Illinois, shall
21 be credited on his or her Illinois sentence. The appropriate
22 official of the other state or the United States shall be
23 furnished with a copy of the order imposing sentence, which
24 shall provide that, when the offender is released from
25 other-state or federal confinement, whether by parole or by
26 termination of sentence, the offender shall be transferred by

1 the Sheriff of the committing Illinois county to the Illinois
2 Department of Corrections. The court shall cause the Department
3 of Corrections to be notified of the sentence at the time of
4 commitment and to be provided with copies of all records
5 regarding the sentence.

6 (f) REDUCTION; PREVIOUS UNEXPIRED ILLINOIS SENTENCE. A
7 defendant who has a previous and unexpired sentence of
8 imprisonment imposed by an Illinois circuit court for a crime
9 in this State and who is subsequently sentenced to a term of
10 imprisonment by another state or by any district court of the
11 United States and who has served a term of imprisonment imposed
12 by the other state or district court of the United States, and
13 must return to serve the unexpired prior sentence imposed by
14 the Illinois circuit court, may apply to the Illinois circuit
15 court that imposed sentence to have his or her sentence
16 reduced.

17 The circuit court may order that any time served on the
18 sentence imposed by the other state or district court of the
19 United States be credited on his or her Illinois sentence. The
20 application for reduction of a sentence under this subsection
21 shall be made within 30 days after the defendant has completed
22 the sentence imposed by the other state or district court of
23 the United States.

24 (g) NO REQUIRED BIRTH CONTROL. A court may not impose a
25 sentence or disposition that requires the defendant to be
26 implanted or injected with or to use any form of birth control.

1 (Source: P.A. 95-1052, eff. 7-1-09.)

2 (Text of Section after amendment by P.A. 100-987 and
3 100-1161)

4 Sec. 5-4.5-50. SENTENCE PROVISIONS; ALL FELONIES. Except
5 as otherwise provided, for all felonies:

6 (a) NO SUPERVISION. The court, upon a plea of guilty or a
7 stipulation by the defendant of the facts supporting the charge
8 or a finding of guilt, may not defer further proceedings and
9 the imposition of a sentence and may not enter an order for
10 supervision of the defendant.

11 (b) FELONY FINES. Unless otherwise specified by law, the
12 minimum fine is \$75. An offender may be sentenced to pay a fine
13 not to exceed, for each offense, \$25,000 or the amount
14 specified in the offense, whichever is greater, or if the
15 offender is a corporation, \$50,000 or the amount specified in
16 the offense, whichever is greater. A fine may be imposed in
17 addition to a sentence of conditional discharge, probation,
18 periodic imprisonment, or imprisonment. See Article 9 of
19 Chapter V ~~(730 ILCS 5/Ch. V, Art. 9)~~ for imposition of
20 additional amounts and determination of amounts and payment.
21 The court shall consider the offender's financial
22 circumstances and ability to pay before and after imprisonment
23 before assessing any fine. If the court finds that the fine
24 would impose an undue burden on the victim, the court may
25 reduce or waive the fine.

1 (c) REASONS FOR SENTENCE STATED. The sentencing judge in
2 each felony conviction shall set forth his or her reasons for
3 imposing the particular sentence entered in the case, as
4 provided in Section 5-4-1 ~~(730 ILCS 5/5-4-1)~~. Those reasons may
5 include any mitigating or aggravating factors specified in this
6 Code, or the lack of any such factors, as well as any other
7 mitigating or aggravating factors that the judge sets forth on
8 the record that are consistent with the purposes and principles
9 of sentencing set out in this Code.

10 (d) MOTION TO REDUCE SENTENCE. A motion to reduce a
11 sentence may be made, or the court may reduce a sentence
12 without motion, within 30 days after the sentence is imposed. A
13 defendant's challenge to the correctness of a sentence or to
14 any aspect of the sentencing hearing shall be made by a written
15 motion filed with the circuit court clerk within 30 days
16 following the imposition of sentence. A motion not filed within
17 that 30-day period is not timely. The court may not increase a
18 sentence once it is imposed. A notice of motion must be filed
19 with the motion. The notice of motion shall set the motion on
20 the court's calendar on a date certain within a reasonable time
21 after the date of filing.

22 If a motion filed pursuant to this subsection is timely
23 filed, the proponent of the motion shall exercise due diligence
24 in seeking a determination on the motion and the court shall
25 thereafter decide the motion within a reasonable time.

26 If a motion filed pursuant to this subsection is timely

1 filed, then for purposes of perfecting an appeal, a final
2 judgment is not considered to have been entered until the
3 motion to reduce the sentence has been decided by order entered
4 by the trial court.

5 (e) CONCURRENT SENTENCE; PREVIOUS UNEXPIRED FEDERAL OR
6 OTHER-STATE SENTENCE. A defendant who has a previous and
7 unexpired sentence of imprisonment imposed by another state or
8 by any district court of the United States and who, after
9 sentence for a crime in Illinois, must return to serve the
10 unexpired prior sentence may have his or her sentence by the
11 Illinois court ordered to be concurrent with the prior
12 other-state or federal sentence. The court may order that any
13 time served on the unexpired portion of the other-state or
14 federal sentence, prior to his or her return to Illinois, shall
15 be credited on his or her Illinois sentence. The appropriate
16 official of the other state or the United States shall be
17 furnished with a copy of the order imposing sentence, which
18 shall provide that, when the offender is released from
19 other-state or federal confinement, whether by parole or by
20 termination of sentence, the offender shall be transferred by
21 the Sheriff of the committing Illinois county to the Illinois
22 Department of Corrections. The court shall cause the Department
23 of Corrections to be notified of the sentence at the time of
24 commitment and to be provided with copies of all records
25 regarding the sentence.

26 (f) REDUCTION; PREVIOUS UNEXPIRED ILLINOIS SENTENCE. A

1 defendant who has a previous and unexpired sentence of
2 imprisonment imposed by an Illinois circuit court for a crime
3 in this State and who is subsequently sentenced to a term of
4 imprisonment by another state or by any district court of the
5 United States and who has served a term of imprisonment imposed
6 by the other state or district court of the United States, and
7 must return to serve the unexpired prior sentence imposed by
8 the Illinois circuit court, may apply to the Illinois circuit
9 court that imposed sentence to have his or her sentence
10 reduced.

11 The circuit court may order that any time served on the
12 sentence imposed by the other state or district court of the
13 United States be credited on his or her Illinois sentence. The
14 application for reduction of a sentence under this subsection
15 shall be made within 30 days after the defendant has completed
16 the sentence imposed by the other state or district court of
17 the United States.

18 (g) NO REQUIRED BIRTH CONTROL. A court may not impose a
19 sentence or disposition that requires the defendant to be
20 implanted or injected with or to use any form of birth control.
21 (Source: P.A. 100-987, eff. 7-1-19; 100-1161, eff. 7-1-19.)

22 (730 ILCS 5/5-4.5-85)

23 Sec. 5-4.5-85. UNCLASSIFIED OFFENSES; SENTENCE.

24 (a) FELONY. The particular classification of each felony is
25 specified in the law defining the felony. Any unclassified

1 offense that is declared by law to be a felony or that provides
2 a sentence to a term of imprisonment for one year or more is a
3 Class 4 felony.

4 (b) MISDEMEANOR. The particular classification of each
5 misdemeanor is specified in the law or ordinance defining the
6 misdemeanor.

7 (1) Any offense not so classified that provides a
8 sentence to a term of imprisonment of less than one year
9 ~~but in excess of 6 months~~ is a Class A misdemeanor.

10 (2) Any offense not so classified that provides a
11 sentence to a term of imprisonment of 6 months or less ~~but~~
12 ~~in excess of 30 days~~ is a Class B misdemeanor.

13 (3) Any offense not so classified that provides a
14 sentence to a term of imprisonment of 30 days or less is a
15 Class C misdemeanor.

16 (c) PETTY OR BUSINESS OFFENSE. Any unclassified offense
17 that does not provide for a sentence of imprisonment is a petty
18 offense or a business offense.

19 (Source: P.A. 95-1052, eff. 7-1-09.)

20 (730 ILCS 5/5-4.5-95)

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

22 (a) HABITUAL CRIMINALS.

23 (1) Every person who has been twice convicted in any
24 state or federal court of an offense that contains the same
25 elements as an offense now (the date of the offense

1 committed after the 2 prior convictions) classified in
2 Illinois as a Class X felony, criminal sexual assault,
3 aggravated kidnapping, or first degree murder, and who is
4 thereafter convicted of a Class X felony, criminal sexual
5 assault, or first degree murder, committed after the 2
6 prior convictions, shall be adjudged an habitual criminal.

7 (2) The 2 prior convictions need not have been for the
8 same offense.

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

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

15 (A) The third offense was committed after July 3,
16 1980.

17 (B) The third offense was committed within 20 years
18 of the date that judgment was entered on the first
19 conviction; provided, however, that time spent in
20 custody shall not be counted.

21 (C) The third offense was committed after
22 conviction on the second offense.

23 (D) The second offense was committed after
24 conviction on the first offense.

25 (5) Anyone who, having attained the age of 18 at the
26 time of the third offense, is adjudged an habitual criminal

1 shall be sentenced to a term of natural life imprisonment.

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

22 (7) A duly authenticated copy of the record of any
23 alleged former conviction of an offense set forth in this
24 Section shall be prima facie evidence of that former
25 conviction; and a duly authenticated copy of the record of
26 the defendant's final release or discharge from probation

1 granted, or from sentence and parole supervision (if any)
2 imposed pursuant to that former conviction, shall be prima
3 facie evidence of that release or discharge.

4 (8) Any claim that a previous conviction offered by the
5 prosecution is not a former conviction of an offense set
6 forth in this Section because of the existence of any
7 exceptions described in this Section, is waived unless duly
8 raised at the hearing on that conviction, or unless the
9 prosecution's proof shows the existence of the exceptions
10 described in this Section.

11 (9) If the person so convicted shows to the
12 satisfaction of the court before whom that conviction was
13 had that he or she was released from imprisonment, upon
14 either of the sentences upon a pardon granted for the
15 reason that he or she was innocent, that conviction and
16 sentence shall not be considered under this Section.

17 (b) (Blank). ~~When a defendant, over the age of 21 years, is~~
18 ~~convicted of a Class 1 or Class 2 felony, except for an offense~~
19 ~~listed in subsection (c) of this Section, after having twice~~
20 ~~been convicted in any state or federal court of an offense that~~
21 ~~contains the same elements as an offense now (the date the~~
22 ~~Class 1 or Class 2 felony was committed) classified in Illinois~~
23 ~~as a Class 2 or greater Class felony, except for an offense~~
24 ~~listed in subsection (c) of this Section, and those charges are~~
25 ~~separately brought and tried and arise out of different series~~
26 ~~of acts, that defendant shall be sentenced as a Class X~~

1 ~~offender. This subsection does not apply unless:~~

2 ~~(1) the first felony was committed after February 1,~~
3 ~~1978 (the effective date of Public Act 80-1099);~~

4 ~~(2) the second felony was committed after conviction on~~
5 ~~the first; and~~

6 ~~(3) the third felony was committed after conviction on~~
7 ~~the second.~~

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

11 ~~A person sentenced as a Class X offender under this~~
12 ~~subsection (b) is not eligible to apply for treatment as a~~
13 ~~condition of probation as provided by Section 40-10 of the~~
14 ~~Substance Use Disorder Act (20 ILCS 301/40-10).~~

15 (Source: P.A. 99-69, eff. 1-1-16; 100-3, eff. 1-1-18; 100-759,
16 eff. 1-1-19.)

17 (730 ILCS 5/5-5-3)

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

19 Sec. 5-5-3. Disposition.

20 (a) (Blank).

21 (b) (Blank).

22 (c) (1) (Blank).

23 (2) A period of probation, a term of periodic imprisonment
24 or conditional discharge shall not be imposed for the following
25 offenses. The court shall sentence the offender to not less

1 than the minimum term of imprisonment set forth in this Code
2 for the following offenses, and may order a fine or restitution
3 or both in conjunction with such term of imprisonment:

4 (A) First degree murder where the death penalty is not
5 imposed.

6 (B) Attempted first degree murder.

7 (C) A Class X felony.

8 (D) A violation of Section 401.1 or 407 of the Illinois
9 Controlled Substances Act, or a violation of subdivision
10 (c)(1.5) of Section 401 of that Act which relates to more
11 than 5 grams of a substance containing fentanyl or an
12 analog thereof.

13 (D-5) A violation of subdivision (c)(1) of Section 401
14 of the Illinois Controlled Substances Act which relates to
15 3 or more grams of a substance containing heroin or an
16 analog thereof.

17 (E) (Blank).

18 (F) A Class 1 or greater felony if the offender had
19 been convicted of a Class 1 or greater felony, including
20 any state or federal conviction for an offense that
21 contained, at the time it was committed, the same elements
22 as an offense now (the date of the offense committed after
23 the prior Class 1 or greater felony) classified as a Class
24 1 or greater felony, within 10 years of the date on which
25 the offender committed the offense for which he or she is
26 being sentenced, except as otherwise provided in Section

1 40-10 of the Substance Use Disorder Act.

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

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

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

18 (H) Criminal sexual assault.

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

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

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

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

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

8 (K) Vehicular hijacking.

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

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

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

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

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

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

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

3 (S) (Blank).

4 (T) (Blank).

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

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

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

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

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

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

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

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

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

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

24 (EE) A conviction for a violation of paragraph (2) of
25 subsection (a) of Section 24-3B of the Criminal Code of
26 2012.

1 (3) (Blank).

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

6 (4.1) (Blank).

7 (4.2) Except as provided in paragraphs (4.3) and (4.8) of
8 this subsection (c), a minimum of 100 hours of community
9 service shall be imposed for a second violation of Section
10 6-303 of the Illinois Vehicle Code.

11 (4.3) A minimum term of imprisonment of 30 days or 300
12 hours of community service, as determined by the court, shall
13 be imposed for a second violation of subsection (c) of Section
14 6-303 of the Illinois Vehicle Code.

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

23 (4.5) A minimum term of imprisonment of 30 days shall be
24 imposed for a third violation of subsection (c) of Section
25 6-303 of the Illinois Vehicle Code.

26 (4.6) Except as provided in paragraph (4.10) of this

1 subsection (c), a minimum term of imprisonment of 180 days
2 shall be imposed for a fourth or subsequent violation of
3 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

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

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

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

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

1 her life.

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

4 (A) a period of conditional discharge;

5 (B) a fine;

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

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

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

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

26 (5.4) In addition to any other penalties imposed, a person

1 convicted of violating Section 3-707 of the Illinois Vehicle
2 Code shall have his or her driver's license, permit, or
3 privileges suspended for 3 months and until he or she has paid
4 a reinstatement fee of \$100.

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

13 (6) (Blank).

14 (7) (Blank).

15 (8) (Blank).

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

19 (10) (Blank).

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

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

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

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

24 (d) In any case in which a sentence originally imposed is
25 vacated, the case shall be remanded to the trial court. The
26 trial court shall hold a hearing under Section 5-4-1 of this

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

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

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

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

1 (B) the defendant is willing to participate in a
2 court approved plan including but not limited to the
3 defendant's:

4 (i) removal from the household;

5 (ii) restricted contact with the victim;

6 (iii) continued financial support of the
7 family;

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

9 and

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

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

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

26 For the purposes of this Section, "family member" and

1 "victim" shall have the meanings ascribed to them in Section
2 11-0.1 of the Criminal Code of 2012.

3 (f) (Blank).

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

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

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

1 the discretion to determine what if any precautions need to be
2 taken to prevent transmission of the disease in the courtroom.

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

1 charge of criminal transmission of HIV under Section 12-5.01 or
2 12-16.2 of the Criminal Code of 1961 or the Criminal Code of
3 2012 against the defendant. The court shall order that the cost
4 of any such test shall be paid by the county and may be taxed as
5 costs against the convicted defendant.

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

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

1 shall determine whether the defendant is employed by a facility
2 or center as defined under the Child Care Act of 1969, a public
3 or private elementary or secondary school, or otherwise works
4 with children under 18 years of age on a daily basis. When a
5 defendant is so employed, the court shall order the Clerk of
6 the Court to send a copy of the judgment of conviction or order
7 of supervision or probation to the defendant's employer by
8 certified mail. If the employer of the defendant is a school,
9 the Clerk of the Court shall direct the mailing of a copy of
10 the judgment of conviction or order of supervision or probation
11 to the appropriate regional superintendent of schools. The
12 regional superintendent of schools shall notify the State Board
13 of Education of any notification under this subsection.

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

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

20 (k) (Blank).

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

1 Attorney General of the United States or his or her designated
2 agent to be deported when:

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

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

9 Otherwise, the defendant shall be sentenced as provided in
10 this Chapter V.

11 (B) If the defendant has already been sentenced for a
12 felony or misdemeanor offense, or has been placed on probation
13 under Section 10 of the Cannabis Control Act, Section 410 of
14 the Illinois Controlled Substances Act, or Section 70 of the
15 Methamphetamine Control and Community Protection Act, the
16 court may, upon motion of the State's Attorney to suspend the
17 sentence imposed, commit the defendant to the custody of the
18 Attorney General of the United States or his or her designated
19 agent 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 (C) This subsection (1) does not apply to offenders who are

1 subject to the provisions of paragraph (2) of subsection (a) of
2 Section 3-6-3.

3 (D) Upon motion of the State's Attorney, if a defendant
4 sentenced under this Section returns to the jurisdiction of the
5 United States, the defendant shall be recommitted to the
6 custody of the county from which he or she was sentenced.
7 Thereafter, the defendant shall be brought before the
8 sentencing court, which may impose any sentence that was
9 available under Section 5-5-3 at the time of initial
10 sentencing. In addition, the defendant shall not be eligible
11 for additional earned sentence credit as provided under Section
12 3-6-3.

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

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

1 licensed under that Act.

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

7 (Source: P.A. 99-143, eff. 7-27-15; 99-885, eff. 8-23-16;
8 99-938, eff. 1-1-18; 100-575, eff. 1-8-18; 100-759, eff.
9 1-1-19; revised 10-12-18.)

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

11 Sec. 5-5-3. Disposition.

12 (a) (Blank).

13 (b) (Blank).

14 (c) (1) (Blank).

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

21 (A) First degree murder where the death penalty is not
22 imposed.

23 (B) Attempted first degree murder.

24 (C) A Class X felony.

25 (D) A violation of Section 401.1 or 407 of the Illinois

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

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

9 (E) (Blank).

10 (F) A Class 1 or greater felony if the offender had
11 been convicted of a Class 1 or greater felony, including
12 any state or federal conviction for an offense that
13 contained, at the time it was committed, the same elements
14 as an offense now (the date of the offense committed after
15 the prior Class 1 or greater felony) classified as a Class
16 1 or greater felony, within 10 years of the date on which
17 the offender committed the offense for which he or she is
18 being sentenced, except as otherwise provided in Section
19 40-10 of the Substance Use Disorder Act.

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

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

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

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

10 (H) Criminal sexual assault.

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

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

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

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

26 (K) Vehicular hijacking.

1 (L) A second or subsequent conviction for the offense
2 of hate crime when the underlying offense upon which the
3 hate crime is based is felony aggravated assault or felony
4 mob action.

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

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

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

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

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

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

21 (S) (Blank).

22 (T) (Blank).

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

1 or the Criminal Code of 2012, relating to the offense of
2 reckless homicide, or a similar provision of a law of
3 another state.

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

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

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

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

26 (Z) A Class 1 felony committed while he or she was

1 serving a term of probation or conditional discharge for a
2 felony.

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

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

7 (CC) Knowingly selling, offering for sale, holding for
8 sale, or using 2,000 or more counterfeit items or
9 counterfeit items having a retail value in the aggregate of
10 \$500,000 or more.

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

16 (EE) A conviction for a violation of paragraph (2) of
17 subsection (a) of Section 24-3B of the Criminal Code of
18 2012.

19 (3) (Blank).

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

24 (4.1) (Blank).

25 (4.2) Except as provided in paragraphs (4.3) and (4.8) of
26 this subsection (c), a minimum of 100 hours of community

1 service shall be imposed for a second violation of Section
2 6-303 of the Illinois Vehicle Code.

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

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

15 (4.5) A minimum term of imprisonment of 30 days shall be
16 imposed for a third violation of subsection (c) of Section
17 6-303 of the Illinois Vehicle Code.

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

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

1 (4.8) A mandatory prison sentence shall be imposed for a
2 second violation of subsection (a-5) of Section 6-303 of the
3 Illinois Vehicle Code, as provided in subsection (c-5) of that
4 Section. The person's driving privileges shall be revoked for a
5 period of not less than 5 years from the date of his or her
6 release from prison.

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

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

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

22 (A) a period of conditional discharge;

23 (B) a fine;

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

26 (5.1) In addition to any other penalties imposed, and

1 except as provided in paragraph (5.2) or (5.3), a person
2 convicted of violating subsection (c) of Section 11-907 of the
3 Illinois Vehicle Code shall have his or her driver's license,
4 permit, or privileges suspended for at least 90 days but not
5 more than one year, if the violation resulted in damage to the
6 property of another person.

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

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

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

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

1 of that Section shall have his or her driver's license, permit,
2 or privileges suspended for an additional 6 months after the
3 expiration of the original 3-month suspension and until he or
4 she has paid a reinstatement fee of \$100.

5 (6) (Blank).

6 (7) (Blank).

7 (8) (Blank).

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

11 (10) (Blank).

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

1 conducted the sporting event.

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

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

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

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

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

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

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

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

22 (i) removal from the household;

23 (ii) restricted contact with the victim;

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

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

1 and

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

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

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

18 For the purposes of this Section, "family member" and
19 "victim" shall have the meanings ascribed to them in Section
20 11-0.1 of the Criminal Code of 2012.

21 (f) (Blank).

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

1 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the
2 Criminal Code of 2012, the defendant shall undergo medical
3 testing to determine whether the defendant has any sexually
4 transmissible disease, including a test for infection with
5 human immunodeficiency virus (HIV) or any other identified
6 causative agent of acquired immunodeficiency syndrome (AIDS).
7 Any such medical test shall be performed only by appropriately
8 licensed medical practitioners and may include an analysis of
9 any bodily fluids as well as an examination of the defendant's
10 person. Except as otherwise provided by law, the results of
11 such test shall be kept strictly confidential by all medical
12 personnel involved in the testing and must be personally
13 delivered in a sealed envelope to the judge of the court in
14 which the conviction was entered for the judge's inspection in
15 camera. Acting in accordance with the best interests of the
16 victim and the public, the judge shall have the discretion to
17 determine to whom, if anyone, the results of the testing may be
18 revealed. The court shall notify the defendant of the test
19 results. The court shall also notify the victim if requested by
20 the victim, and if the victim is under the age of 15 and if
21 requested by the victim's parents or legal guardian, the court
22 shall notify the victim's parents or legal guardian of the test
23 results. The court shall provide information on the
24 availability of HIV testing and counseling at Department of
25 Public Health facilities to all parties to whom the results of
26 the testing are revealed and shall direct the State's Attorney

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

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

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

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

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

1 any violation of the Child Passenger Protection Act, or a
2 similar provision of a local ordinance, shall be collected and
3 disbursed by the circuit clerk as provided under the Criminal
4 and Traffic Assessment Act.

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

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

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

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

12 (k) (Blank).

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

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

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

1 Otherwise, the defendant shall be sentenced as provided in
2 this Chapter V.

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

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

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

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

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

1 available under Section 5-5-3 at the time of initial
2 sentencing. In addition, the defendant shall not be eligible
3 for additional earned sentence credit as provided under Section
4 3-6-3.

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

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

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

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

1 1-1-19; 100-987, eff. 7-1-19; revised 10-12-18.)

2 (730 ILCS 5/5-5-3.2)

3 Sec. 5-5-3.2. Factors in aggravation ~~and extended term~~
4 ~~sentencing.~~

5 (a) The following factors shall be accorded weight in favor
6 of imposing a term of imprisonment or may be considered by the
7 court as reasons to impose a more severe sentence under Section
8 5-8-1 or Article 4.5 of Chapter V:

9 (1) the defendant's conduct caused or threatened
10 serious harm;

11 (2) the defendant received compensation for committing
12 the offense;

13 (3) the defendant has a history of prior delinquency or
14 criminal activity;

15 (4) the defendant, by the duties of his office or by
16 his position, was obliged to prevent the particular offense
17 committed or to bring the offenders committing it to
18 justice;

19 (5) the defendant held public office at the time of the
20 offense, and the offense related to the conduct of that
21 office;

22 (6) the defendant utilized his professional reputation
23 or position in the community to commit the offense, or to
24 afford him an easier means of committing it;

25 (7) the sentence is necessary to deter others from

1 committing the same crime;

2 (8) the defendant committed the offense against a
3 person 60 years of age or older or such person's property;

4 (9) the defendant committed the offense against a
5 person who has a physical disability or such person's
6 property;

7 (10) by reason of another individual's actual or
8 perceived race, color, creed, religion, ancestry, gender,
9 sexual orientation, physical or mental disability, or
10 national origin, the defendant committed the offense
11 against (i) the person or property of that individual; (ii)
12 the person or property of a person who has an association
13 with, is married to, or has a friendship with the other
14 individual; or (iii) the person or property of a relative
15 (by blood or marriage) of a person described in clause (i)
16 or (ii). For the purposes of this Section, "sexual
17 orientation" has the meaning ascribed to it in paragraph
18 (0-1) of Section 1-103 of the Illinois Human Rights Act;

19 (11) the offense took place in a place of worship or on
20 the grounds of a place of worship, immediately prior to,
21 during or immediately following worship services. For
22 purposes of this subparagraph, "place of worship" shall
23 mean any church, synagogue or other building, structure or
24 place used primarily for religious worship;

25 (12) the defendant was convicted of a felony committed
26 while he was released on bail or his own recognizance

1 pending trial for a prior felony and was convicted of such
2 prior felony, or the defendant was convicted of a felony
3 committed while he was serving a period of probation,
4 conditional discharge, or mandatory supervised release
5 under subsection (d) of Section 5-8-1 for a prior felony;

6 (13) the defendant committed or attempted to commit a
7 felony while he was wearing a bulletproof vest. For the
8 purposes of this paragraph (13), a bulletproof vest is any
9 device which is designed for the purpose of protecting the
10 wearer from bullets, shot or other lethal projectiles;

11 (14) the defendant held a position of trust or
12 supervision such as, but not limited to, family member as
13 defined in Section 11-0.1 of the Criminal Code of 2012,
14 teacher, scout leader, baby sitter, or day care worker, in
15 relation to a victim under 18 years of age, and the
16 defendant committed an offense in violation of Section
17 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,
18 11-14.4 except for an offense that involves keeping a place
19 of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,
20 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15
21 or 12-16 of the Criminal Code of 1961 or the Criminal Code
22 of 2012 against that victim;

23 (15) the defendant committed an offense related to the
24 activities of an organized gang. For the purposes of this
25 factor, "organized gang" has the meaning ascribed to it in
26 Section 10 of the Streetgang Terrorism Omnibus Prevention

1 Act;

2 (16) the defendant committed an offense in violation of
3 one of the following Sections while in a school, regardless
4 of the time of day or time of year; on any conveyance
5 owned, leased, or contracted by a school to transport
6 students to or from school or a school related activity; on
7 the real property of a school; or on a public way within
8 1,000 feet of the real property comprising any school:
9 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
10 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
11 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
12 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
13 18-2, or 33A-2, or Section 12-3.05 except for subdivision
14 (a)(4) or (g)(1), of the Criminal Code of 1961 or the
15 Criminal Code of 2012;

16 (16.5) the defendant committed an offense in violation
17 of one of the following Sections while in a day care
18 center, regardless of the time of day or time of year; on
19 the real property of a day care center, regardless of the
20 time of day or time of year; or on a public way within
21 1,000 feet of the real property comprising any day care
22 center, regardless of the time of day or time of year:
23 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
24 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
25 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
26 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,

1 18-2, or 33A-2, or Section 12-3.05 except for subdivision
2 (a)(4) or (g)(1), of the Criminal Code of 1961 or the
3 Criminal Code of 2012;

4 (17) the defendant committed the offense by reason of
5 any person's activity as a community policing volunteer or
6 to prevent any person from engaging in activity as a
7 community policing volunteer. For the purpose of this
8 Section, "community policing volunteer" has the meaning
9 ascribed to it in Section 2-3.5 of the Criminal Code of
10 2012;

11 (18) the defendant committed the offense in a nursing
12 home or on the real property comprising a nursing home. For
13 the purposes of this paragraph (18), "nursing home" means a
14 skilled nursing or intermediate long term care facility
15 that is subject to license by the Illinois Department of
16 Public Health under the Nursing Home Care Act, the
17 Specialized Mental Health Rehabilitation Act of 2013, the
18 ID/DD Community Care Act, or the MC/DD Act;

19 (19) the defendant was a federally licensed firearm
20 dealer and was previously convicted of a violation of
21 subsection (a) of Section 3 of the Firearm Owners
22 Identification Card Act and has now committed either a
23 felony violation of the Firearm Owners Identification Card
24 Act or an act of armed violence while armed with a firearm;

25 (20) the defendant (i) committed the offense of
26 reckless homicide under Section 9-3 of the Criminal Code of

1 1961 or the Criminal Code of 2012 or the offense of driving
2 under the influence of alcohol, other drug or drugs,
3 intoxicating compound or compounds or any combination
4 thereof under Section 11-501 of the Illinois Vehicle Code
5 or a similar provision of a local ordinance and (ii) was
6 operating a motor vehicle in excess of 20 miles per hour
7 over the posted speed limit as provided in Article VI of
8 Chapter 11 of the Illinois Vehicle Code;

9 (21) the defendant (i) committed the offense of
10 reckless driving or aggravated reckless driving under
11 Section 11-503 of the Illinois Vehicle Code and (ii) was
12 operating a motor vehicle in excess of 20 miles per hour
13 over the posted speed limit as provided in Article VI of
14 Chapter 11 of the Illinois Vehicle Code;

15 (22) the defendant committed the offense against a
16 person that the defendant knew, or reasonably should have
17 known, was a member of the Armed Forces of the United
18 States serving on active duty. For purposes of this clause
19 (22), the term "Armed Forces" means any of the Armed Forces
20 of the United States, including a member of any reserve
21 component thereof or National Guard unit called to active
22 duty;

23 (23) the defendant committed the offense against a
24 person who was elderly or infirm or who was a person with a
25 disability by taking advantage of a family or fiduciary
26 relationship with the elderly or infirm person or person

1 with a disability;

2 (24) the defendant committed any offense under Section
3 11-20.1 of the Criminal Code of 1961 or the Criminal Code
4 of 2012 and possessed 100 or more images;

5 (25) the defendant committed the offense while the
6 defendant or the victim was in a train, bus, or other
7 vehicle used for public transportation;

8 (26) the defendant committed the offense of child
9 pornography or aggravated child pornography, specifically
10 including paragraph (1), (2), (3), (4), (5), or (7) of
11 subsection (a) of Section 11-20.1 of the Criminal Code of
12 1961 or the Criminal Code of 2012 where a child engaged in,
13 solicited for, depicted in, or posed in any act of sexual
14 penetration or bound, fettered, or subject to sadistic,
15 masochistic, or sadomasochistic abuse in a sexual context
16 and specifically including paragraph (1), (2), (3), (4),
17 (5), or (7) of subsection (a) of Section 11-20.1B or
18 Section 11-20.3 of the Criminal Code of 1961 where a child
19 engaged in, solicited for, depicted in, or posed in any act
20 of sexual penetration or bound, fettered, or subject to
21 sadistic, masochistic, or sadomasochistic abuse in a
22 sexual context;

23 (27) the defendant committed the offense of first
24 degree murder, assault, aggravated assault, battery,
25 aggravated battery, robbery, armed robbery, or aggravated
26 robbery against a person who was a veteran and the

1 defendant knew, or reasonably should have known, that the
2 person was a veteran performing duties as a representative
3 of a veterans' organization. For the purposes of this
4 paragraph (27), "veteran" means an Illinois resident who
5 has served as a member of the United States Armed Forces, a
6 member of the Illinois National Guard, or a member of the
7 United States Reserve Forces; and "veterans' organization"
8 means an organization comprised of members of which
9 substantially all are individuals who are veterans or
10 spouses, widows, or widowers of veterans, the primary
11 purpose of which is to promote the welfare of its members
12 and to provide assistance to the general public in such a
13 way as to confer a public benefit;

14 (28) the defendant committed the offense of assault,
15 aggravated assault, battery, aggravated battery, robbery,
16 armed robbery, or aggravated robbery against a person that
17 the defendant knew or reasonably should have known was a
18 letter carrier or postal worker while that person was
19 performing his or her duties delivering mail for the United
20 States Postal Service;

21 (29) the defendant committed the offense of criminal
22 sexual assault, aggravated criminal sexual assault,
23 criminal sexual abuse, or aggravated criminal sexual abuse
24 against a victim with an intellectual disability, and the
25 defendant holds a position of trust, authority, or
26 supervision in relation to the victim;

1 (30) the defendant committed the offense of promoting
2 juvenile prostitution, patronizing a prostitute, or
3 patronizing a minor engaged in prostitution and at the time
4 of the commission of the offense knew that the prostitute
5 or minor engaged in prostitution was in the custody or
6 guardianship of the Department of Children and Family
7 Services; or

8 (31) the defendant (i) committed the offense of driving
9 while under the influence of alcohol, other drug or drugs,
10 intoxicating compound or compounds or any combination
11 thereof in violation of Section 11-501 of the Illinois
12 Vehicle Code or a similar provision of a local ordinance
13 and (ii) the defendant during the commission of the offense
14 was driving his or her vehicle upon a roadway designated
15 for one-way traffic in the opposite direction of the
16 direction indicated by official traffic control devices.

17 For the purposes of this Section:

18 "School" is defined as a public or private elementary or
19 secondary school, community college, college, or university.

20 "Day care center" means a public or private State certified
21 and licensed day care center as defined in Section 2.09 of the
22 Child Care Act of 1969 that displays a sign in plain view
23 stating that the property is a day care center.

24 "Intellectual disability" means significantly subaverage
25 intellectual functioning which exists concurrently with
26 impairment in adaptive behavior.

1 "Public transportation" means the transportation or
2 conveyance of persons by means available to the general public,
3 and includes paratransit services.

4 "Traffic control devices" means all signs, signals,
5 markings, and devices that conform to the Illinois Manual on
6 Uniform Traffic Control Devices, placed or erected by authority
7 of a public body or official having jurisdiction, for the
8 purpose of regulating, warning, or guiding traffic.

9 (b) (Blank). ~~The following factors, related to all~~
10 ~~felonies, may be considered by the court as reasons to impose~~
11 ~~an extended term sentence under Section 5-8-2 upon any~~
12 ~~offender:~~

13 ~~(1) When a defendant is convicted of any felony, after~~
14 ~~having been previously convicted in Illinois or any other~~
15 ~~jurisdiction of the same or similar class felony or greater~~
16 ~~class felony, when such conviction has occurred within 10~~
17 ~~years after the previous conviction, excluding time spent~~
18 ~~in custody, and such charges are separately brought and~~
19 ~~tried and arise out of different series of acts; or~~

20 ~~(2) When a defendant is convicted of any felony and the~~
21 ~~court finds that the offense was accompanied by~~
22 ~~exceptionally brutal or heinous behavior indicative of~~
23 ~~wanton cruelty; or~~

24 ~~(3) When a defendant is convicted of any felony~~
25 ~~committed against:~~

26 ~~(i) a person under 12 years of age at the time of~~

1 ~~the offense or such person's property;~~

2 ~~(ii) a person 60 years of age or older at the time~~
3 ~~of the offense or such person's property; or~~

4 ~~(iii) a person who had a physical disability at the~~
5 ~~time of the offense or such person's property; or~~

6 ~~(4) When a defendant is convicted of any felony and the~~
7 ~~offense involved any of the following types of specific~~
8 ~~misconduct committed as part of a ceremony, rite,~~
9 ~~initiation, observance, performance, practice or activity~~
10 ~~of any actual or ostensible religious, fraternal, or social~~
11 ~~group:~~

12 ~~(i) the brutalizing or torturing of humans or~~
13 ~~animals;~~

14 ~~(ii) the theft of human corpses;~~

15 ~~(iii) the kidnapping of humans;~~

16 ~~(iv) the desecration of any cemetery, religious,~~
17 ~~fraternal, business, governmental, educational, or~~
18 ~~other building or property; or~~

19 ~~(v) ritualized abuse of a child; or~~

20 ~~(5) When a defendant is convicted of a felony other~~
21 ~~than conspiracy and the court finds that the felony was~~
22 ~~committed under an agreement with 2 or more other persons~~
23 ~~to commit that offense and the defendant, with respect to~~
24 ~~the other individuals, occupied a position of organizer,~~
25 ~~supervisor, financier, or any other position of management~~
26 ~~or leadership, and the court further finds that the felony~~

1 ~~committed was related to or in furtherance of the criminal~~
2 ~~activities of an organized gang or was motivated by the~~
3 ~~defendant's leadership in an organized gang; or~~

4 ~~(6) When a defendant is convicted of an offense~~
5 ~~committed while using a firearm with a laser sight attached~~
6 ~~to it. For purposes of this paragraph, "laser sight" has~~
7 ~~the meaning ascribed to it in Section 26-7 of the Criminal~~
8 ~~Code of 2012; or~~

9 ~~(7) When a defendant who was at least 17 years of age~~
10 ~~at the time of the commission of the offense is convicted~~
11 ~~of a felony and has been previously adjudicated a~~
12 ~~delinquent minor under the Juvenile Court Act of 1987 for~~
13 ~~an act that if committed by an adult would be a Class X or~~
14 ~~Class 1 felony when the conviction has occurred within 10~~
15 ~~years after the previous adjudication, excluding time~~
16 ~~spent in custody; or~~

17 ~~(8) When a defendant commits any felony and the~~
18 ~~defendant used, possessed, exercised control over, or~~
19 ~~otherwise directed an animal to assault a law enforcement~~
20 ~~officer engaged in the execution of his or her official~~
21 ~~duties or in furtherance of the criminal activities of an~~
22 ~~organized gang in which the defendant is engaged; or~~

23 ~~(9) When a defendant commits any felony and the~~
24 ~~defendant knowingly video or audio records the offense with~~
25 ~~the intent to disseminate the recording.~~

26 (c) (Blank). ~~The following factors may be considered by the~~

1 ~~court as reasons to impose an extended term sentence under~~
2 ~~Section 5-8-2 (730 ILCS 5/5-8-2) upon any offender for the~~
3 ~~listed offenses:~~

4 ~~(1) When a defendant is convicted of first degree~~
5 ~~murder, after having been previously convicted in Illinois~~
6 ~~of any offense listed under paragraph (c)(2) of Section~~
7 ~~5-5-3 (730 ILCS 5/5-5-3), when that conviction has occurred~~
8 ~~within 10 years after the previous conviction, excluding~~
9 ~~time spent in custody, and the charges are separately~~
10 ~~brought and tried and arise out of different series of~~
11 ~~acts.~~

12 ~~(1.5) When a defendant is convicted of first degree~~
13 ~~murder, after having been previously convicted of domestic~~
14 ~~battery (720 ILCS 5/12-3.2) or aggravated domestic battery~~
15 ~~(720 ILCS 5/12-3.3) committed on the same victim or after~~
16 ~~having been previously convicted of violation of an order~~
17 ~~of protection (720 ILCS 5/12-30) in which the same victim~~
18 ~~was the protected person.~~

19 ~~(2) When a defendant is convicted of voluntary~~
20 ~~manslaughter, second degree murder, involuntary~~
21 ~~manslaughter, or reckless homicide in which the defendant~~
22 ~~has been convicted of causing the death of more than one~~
23 ~~individual.~~

24 ~~(3) When a defendant is convicted of aggravated~~
25 ~~criminal sexual assault or criminal sexual assault, when~~
26 ~~there is a finding that aggravated criminal sexual assault~~

1 ~~or criminal sexual assault was also committed on the same~~
2 ~~victim by one or more other individuals, and the defendant~~
3 ~~voluntarily participated in the crime with the knowledge of~~
4 ~~the participation of the others in the crime, and the~~
5 ~~commission of the crime was part of a single course of~~
6 ~~conduct during which there was no substantial change in the~~
7 ~~nature of the criminal objective.~~

8 ~~(4) If the victim was under 18 years of age at the time~~
9 ~~of the commission of the offense, when a defendant is~~
10 ~~convicted of aggravated criminal sexual assault or~~
11 ~~predatory criminal sexual assault of a child under~~
12 ~~subsection (a)(1) of Section 11-1.40 or subsection (a)(1)~~
13 ~~of Section 12-14.1 of the Criminal Code of 1961 or the~~
14 ~~Criminal Code of 2012 (720 ILCS 5/11-1.40 or 5/12-14.1).~~

15 ~~(5) When a defendant is convicted of a felony violation~~
16 ~~of Section 24-1 of the Criminal Code of 1961 or the~~
17 ~~Criminal Code of 2012 (720 ILCS 5/24-1) and there is a~~
18 ~~finding that the defendant is a member of an organized~~
19 ~~gang.~~

20 ~~(6) When a defendant was convicted of unlawful use of~~
21 ~~weapons under Section 24-1 of the Criminal Code of 1961 or~~
22 ~~the Criminal Code of 2012 (720 ILCS 5/24-1) for possessing~~
23 ~~a weapon that is not readily distinguishable as one of the~~
24 ~~weapons enumerated in Section 24-1 of the Criminal Code of~~
25 ~~1961 or the Criminal Code of 2012 (720 ILCS 5/24-1).~~

26 ~~(7) When a defendant is convicted of an offense~~

1 ~~involving the illegal manufacture of a controlled~~
2 ~~substance under Section 401 of the Illinois Controlled~~
3 ~~Substances Act (720 ILCS 570/401), the illegal manufacture~~
4 ~~of methamphetamine under Section 25 of the Methamphetamine~~
5 ~~Control and Community Protection Act (720 ILCS 646/25), or~~
6 ~~the illegal possession of explosives and an emergency~~
7 ~~response officer in the performance of his or her duties is~~
8 ~~killed or injured at the scene of the offense while~~
9 ~~responding to the emergency caused by the commission of the~~
10 ~~offense. In this paragraph, "emergency" means a situation~~
11 ~~in which a person's life, health, or safety is in jeopardy;~~
12 ~~and "emergency response officer" means a peace officer,~~
13 ~~community policing volunteer, fireman, emergency medical~~
14 ~~technician ambulance, _____ emergency _____ medical~~
15 ~~technician intermediate, _____ emergency _____ medical~~
16 ~~technician paramedic, ambulance driver, other medical~~
17 ~~assistance or first aid personnel, or hospital emergency~~
18 ~~room personnel.~~

19 ~~(8) When the defendant is convicted of attempted mob~~
20 ~~action, solicitation to commit mob action, or conspiracy to~~
21 ~~commit mob action under Section 8-1, 8-2, or 8-4 of the~~
22 ~~Criminal Code of 2012, where the criminal object is a~~
23 ~~violation of Section 25-1 of the Criminal Code of 2012, and~~
24 ~~an electronic communication is used in the commission of~~
25 ~~the offense. For the purposes of this paragraph (8),~~
26 ~~"electronic communication" shall have the meaning provided~~

1 ~~in Section 26.5-0.1 of the Criminal Code of 2012.~~

2 (d) For the purposes of this Section, "organized gang" has
3 the meaning ascribed to it in Section 10 of the Illinois
4 Streetgang Terrorism Omnibus Prevention Act.

5 (e) (Blank). ~~The court may impose an extended term sentence~~
6 ~~under Article 4.5 of Chapter V upon an offender who has been~~
7 ~~convicted of a felony violation of Section 11 1.20, 11 1.30,~~
8 ~~11 1.40, 11 1.50, 11 1.60, 12 13, 12 14, 12 14.1, 12 15, or~~
9 ~~12 16 of the Criminal Code of 1961 or the Criminal Code of 2012~~
10 ~~when the victim of the offense is under 18 years of age at the~~
11 ~~time of the commission of the offense and, during the~~
12 ~~commission of the offense, the victim was under the influence~~
13 ~~of alcohol, regardless of whether or not the alcohol was~~
14 ~~supplied by the offender, and the offender, at the time of the~~
15 ~~commission of the offense, knew or should have known that the~~
16 ~~victim had consumed alcohol.~~

17 (Source: P.A. 99-77, eff. 1-1-16; 99-143, eff. 7-27-15; 99-180,
18 eff. 7-29-15; 99-283, eff. 1-1-16; 99-347, eff. 1-1-16; 99-642,
19 eff. 7-28-16; 100-1053, eff. 1-1-19.)

20 (730 ILCS 5/5-8-2 rep.)

21 Section 910. The Unified Code of Corrections is amended by
22 repealing Section 5-8-2."