



Sen. Chapin Rose

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LRB101 06315 SLF 59359 a

1 AMENDMENT TO SENATE BILL 901

2 AMENDMENT NO. _____. Amend Senate Bill 901 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 2012 is amended by
5 changing Sections 18-4, 24-1.1, 24-1.2, 24-1.7, and 24-3.7 as
6 follows:

7 (720 ILCS 5/18-4)

8 Sec. 18-4. Aggravated vehicular hijacking.

9 (a) A person commits aggravated vehicular hijacking when he
10 or she violates Section 18-3; and

11 (1) the person from whose immediate presence the motor
12 vehicle is taken is a person with a physical disability or
13 a person 60 years of age or over; or

14 (2) a person under 16 years of age is a passenger in
15 the motor vehicle at the time of the offense; or

16 (3) he or she carries on or about his or her person, or

1 is otherwise armed with a dangerous weapon, other than a
2 firearm; or

3 (4) he or she carries on or about his or her person or
4 is otherwise armed with a firearm; or

5 (5) he or she, during the commission of the offense,
6 personally discharges a firearm; or

7 (6) he or she, during the commission of the offense,
8 personally discharges a firearm that proximately causes
9 great bodily harm, permanent disability, permanent
10 disfigurement, or death to another person.

11 (b) Sentence. Aggravated vehicular hijacking is a Class X
12 felony for a first offense for which a term of imprisonment of
13 not less than 10 years and not more than 60 years shall be
14 imposed. A second or subsequent offense is a Class X felony for
15 which a term of natural life imprisonment shall be imposed ~~in~~
16 ~~violation of subsections (a) (1) or (a) (2) is a Class X felony.~~
17 ~~A violation of subsection (a) (3) is a Class X felony for which~~
18 ~~a term of imprisonment of not less than 7 years shall be~~
19 ~~imposed. A violation of subsection (a) (4) is a Class X felony~~
20 ~~for which 15 years shall be added to the term of imprisonment~~
21 ~~imposed by the court. A violation of subsection (a) (5) is a~~
22 ~~Class X felony for which 20 years shall be added to the term of~~
23 ~~imprisonment imposed by the court. A violation of subsection~~
24 ~~(a) (6) is a Class X felony for which 25 years or up to a term of~~
25 ~~natural life shall be added to the term of imprisonment imposed~~
26 ~~by the court.~~

1 (Source: P.A. 99-143, eff. 7-27-15.)

2 (720 ILCS 5/24-1.1) (from Ch. 38, par. 24-1.1)

3 Sec. 24-1.1. Unlawful use or possession of weapons by
4 felons or persons in the custody of the Department of
5 Corrections facilities.

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

15 (b) It is unlawful for any person confined in a penal
16 institution, which is a facility of the Illinois Department of
17 Corrections, to possess any weapon prohibited under Section
18 24-1 of this Code or any firearm or firearm ammunition,
19 regardless of the intent with which he possesses it.

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

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

1 Section.

2 (e) Sentence. Violation of this Section is a Class X felony
3 for a first offense for which a term of imprisonment of not
4 less than 10 years shall be imposed. A second or subsequent
5 offense is a Class X felony for which a term of natural life
6 imprisonment shall be imposed by a person not confined in a
7 penal institution shall be a Class 3 felony for which the
8 person shall be sentenced to no less than 2 years and no more
9 than 10 years. A second or subsequent violation of this Section
10 shall be a Class 2 felony for which the person shall be
11 sentenced to a term of imprisonment of not less than 3 years
12 and not more than 14 years, except as provided for in Section
13 5-4.5-110 of the Unified Code of Corrections. Violation of this
14 Section by a person not confined in a penal institution who has
15 been convicted of a forcible felony, a felony violation of
16 Article 24 of this Code or of the Firearm Owners Identification
17 Card Act, stalking or aggravated stalking, or a Class 2 or
18 greater felony under the Illinois Controlled Substances Act,
19 the Cannabis Control Act, or the Methamphetamine Control and
20 Community Protection Act is a Class 2 felony for which the
21 person shall be sentenced to not less than 3 years and not more
22 than 14 years, except as provided for in Section 5-4.5-110 of
23 the Unified Code of Corrections. Violation of this Section by a
24 person who is on parole or mandatory supervised release is a
25 Class 2 felony for which the person shall be sentenced to not
26 less than 3 years and not more than 14 years, except as

1 ~~provided for in Section 5-4.5-110 of the Unified Code of~~
2 ~~Corrections. Violation of this Section by a person not confined~~
3 ~~in a penal institution is a Class X felony when the firearm~~
4 ~~possessed is a machine gun. Any person who violates this~~
5 ~~Section while confined in a penal institution, which is a~~
6 ~~facility of the Illinois Department of Corrections, is guilty~~
7 ~~of a Class 1 felony, if he possesses any weapon prohibited~~
8 ~~under Section 24-1 of this Code regardless of the intent with~~
9 ~~which he possesses it, a Class X felony if he possesses any~~
10 ~~firearm, firearm ammunition or explosive, and a Class X felony~~
11 ~~for which the offender shall be sentenced to not less than 12~~
12 ~~years and not more than 50 years when the firearm possessed is~~
13 ~~a machine gun. A violation of this Section while wearing or in~~
14 ~~possession of body armor as defined in Section 33F-1 is a Class~~
15 ~~X felony punishable by a term of imprisonment of not less than~~
16 ~~10 years and not more than 40 years. The possession of each~~
17 ~~firearm or firearm ammunition in violation of this Section~~
18 ~~constitutes a single and separate violation.~~

19 (Source: P.A. 100-3, eff. 1-1-18.)

20 (720 ILCS 5/24-1.2) (from Ch. 38, par. 24-1.2)

21 Sec. 24-1.2. Aggravated discharge of a firearm.

22 (a) A person commits aggravated discharge of a firearm when
23 he or she knowingly or intentionally:

24 (1) Discharges a firearm at or into a building he or
25 she knows or reasonably should know to be occupied and the

1 firearm is discharged from a place or position outside that
2 building;

3 (2) Discharges a firearm in the direction of another
4 person or in the direction of a vehicle he or she knows or
5 reasonably should know to be occupied by a person;

6 (3) Discharges a firearm in the direction of a person
7 he or she knows to be a peace officer, a community policing
8 volunteer, a correctional institution employee, or a
9 fireman while the officer, volunteer, employee or fireman
10 is engaged in the execution of any of his or her official
11 duties, or to prevent the officer, volunteer, employee or
12 fireman from performing his or her official duties, or in
13 retaliation for the officer, volunteer, employee or
14 fireman performing his or her official duties;

15 (4) Discharges a firearm in the direction of a vehicle
16 he or she knows to be occupied by a peace officer, a person
17 summoned or directed by a peace officer, a correctional
18 institution employee or a fireman while the officer,
19 employee or fireman is engaged in the execution of any of
20 his or her official duties, or to prevent the officer,
21 employee or fireman from performing his or her official
22 duties, or in retaliation for the officer, employee or
23 fireman performing his or her official duties;

24 (5) Discharges a firearm in the direction of a person
25 he or she knows to be emergency medical services personnel
26 who is engaged in the execution of any of his or her

1 official duties, or to prevent the emergency medical
2 services personnel from performing his or her official
3 duties, or in retaliation for the emergency medical
4 services personnel performing his or her official duties;

5 (6) Discharges a firearm in the direction of a vehicle
6 he or she knows to be occupied by emergency medical
7 services personnel while the emergency medical services
8 personnel is engaged in the execution of any of his or her
9 official duties, or to prevent the emergency medical
10 services personnel from performing his or her official
11 duties, or in retaliation for the emergency medical
12 services personnel performing his or her official duties;

13 (7) Discharges a firearm in the direction of a person
14 he or she knows to be a teacher or other person employed in
15 any school and the teacher or other employee is upon the
16 grounds of a school or grounds adjacent to a school, or is
17 in any part of a building used for school purposes;

18 (8) Discharges a firearm in the direction of a person
19 he or she knows to be an emergency management worker while
20 the emergency management worker is engaged in the execution
21 of any of his or her official duties, or to prevent the
22 emergency management worker from performing his or her
23 official duties, or in retaliation for the emergency
24 management worker performing his or her official duties; ~~or~~

25 (9) Discharges a firearm in the direction of a vehicle
26 he or she knows to be occupied by an emergency management

1 worker while the emergency management worker is engaged in
2 the execution of any of his or her official duties, or to
3 prevent the emergency management worker from performing
4 his or her official duties, or in retaliation for the
5 emergency management worker performing his or her official
6 duties; ~~=~~

7 (10) discharges a firearm in the direction of a person
8 he or she knows to be a person under 18 years old;

9 (11) discharges a firearm in the direction of a person
10 he or she knows to be a veteran;

11 (12) discharges a firearm in the direction of a person
12 he or she knows to be 60 years of age or older;

13 (13) discharges a firearm in the direction of a person
14 he or she knows to be pregnant or has a physical
15 disability;

16 (14) discharges a firearm in the direction of a person
17 he or she knows to be gathering for worship;

18 (15) discharges a firearm in the direction of a person
19 he or she knows to be boarding or riding public transit;

20 (16) discharges a firearm in the direction of a person
21 he or she knows to be a student at an institution of higher
22 education;

23 (17) discharges a firearm in the direction of a person
24 who is in a public roadway, park, public housing, school,
25 building under the control of the State or a unit of local
26 government, church, hospital, nursing home, or any bus,

1 train, or form of transportation paid for in whole or in
2 part with public funds, or any building, real property, or
3 parking area under the control of a public transportation
4 facility paid for in whole or in part with public funds; or

5 (18) discharges a firearm during the commission or
6 attempted commission of vehicular hijacking.

7 (b) A violation of subsection (a) (1) or subsection (a) (2)
8 of this Section is a Class 1 felony. A violation of subsection
9 (a) (1) or (a) (2) of this Section committed in a school, on the
10 real property comprising a school, within 1,000 feet of the
11 real property comprising a school, at a school related activity
12 or on or within 1,000 feet of any conveyance owned, leased, or
13 contracted by a school to transport students to or from school
14 or a school related activity, regardless of the time of day or
15 time of year that the offense was committed is a Class X
16 felony. A violation of subsection (a) (3), (a) (4), (a) (5),
17 (a) (6), (a) (7), (a) (8), or (a) (9), (a) (10), (a) (11), (a) (12),
18 (a) (13), (a) (14), (a) (15), (a) (16), (a) (17), or (a) (18) of this
19 Section is a Class X felony for which the sentence shall be a
20 term of imprisonment of no less than 10 years and not more than
21 45 years.

22 (c) For purposes of this Section:

23 "Emergency medical services personnel" has the meaning
24 specified in Section 3.5 of the Emergency Medical Services
25 (EMS) Systems Act and shall include all ambulance crew members,
26 including drivers or pilots.

1 "School" means a public or private elementary or secondary
2 school, community college, college, or university.

3 "School related activity" means any sporting, social,
4 academic, or other activity for which students' attendance or
5 participation is sponsored, organized, or funded in whole or in
6 part by a school or school district.

7 (Source: P.A. 99-816, eff. 8-15-16.)

8 (720 ILCS 5/24-1.7)

9 Sec. 24-1.7. Armed habitual criminal.

10 (a) A person commits the offense of being an armed habitual
11 criminal if he or she receives, sells, possesses, or transfers
12 any firearm after having been convicted a total of 2 or more
13 times of any combination of the following offenses:

14 (1) a forcible felony as defined in Section 2-8 of this
15 Code;

16 (2) unlawful use of a weapon by a felon; aggravated
17 unlawful use of a weapon; aggravated discharge of a
18 firearm; vehicular hijacking; aggravated vehicular
19 hijacking; aggravated battery of a child as described in
20 Section 12-4.3 or subdivision (b)(1) of Section 12-3.05;
21 intimidation; aggravated intimidation; gunrunning; home
22 invasion; or aggravated battery with a firearm as described
23 in Section 12-4.2 or subdivision (e)(1), (e)(2), (e)(3), or
24 (e)(4) of Section 12-3.05; or

25 (3) any violation of the Illinois Controlled

1 Substances Act or the Cannabis Control Act that is
2 punishable as a Class 3 felony or higher.

3 (b) Sentence. Being an armed habitual criminal is a Class X
4 felony for a first offense for which a term of imprisonment of
5 not less than 10 years and not more than 30 years shall be
6 imposed. A second or subsequent offense is a Class X felony for
7 which a term of natural life imprisonment shall be imposed.

8 (Source: P.A. 96-1551, eff. 7-1-11.)

9 (720 ILCS 5/24-3.7)

10 Sec. 24-3.7. Use of a stolen or illegally acquired firearm
11 in the commission of an offense.

12 (a) A person commits ~~the offense of~~ use of a stolen or
13 illegally acquired firearm in the commission of an offense when
14 he or she knowingly uses a stolen or illegally acquired firearm
15 in the commission of any offense and the person knows that the
16 firearm was stolen or illegally acquired.

17 (b) Sentence. Use of a stolen or illegally acquired firearm
18 in the commission of an offense is a Class X felony for a first
19 offense for which a term of imprisonment of not less than 10
20 years shall be imposed. A second or subsequent offense is a
21 Class X felony for which a term of natural life imprisonment
22 shall be imposed ~~2-felony~~.

23 (c) "Illegally acquired firearm" means a firearm acquired
24 in violation of Section 24-3.

25 (Source: P.A. 96-190, eff. 1-1-10.)

1 Section 10. The Unified Code of Corrections is amended by
2 changing Sections 5-4.5-110, 5-5-3, and 5-8-4 as follows:

3 (730 ILCS 5/5-4.5-110)

4 (Section scheduled to be repealed on January 1, 2023)

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

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

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

10 "Qualifying predicate offense" means the following
11 offenses under the Criminal Code of 2012:

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

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

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

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

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

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

4 (G) aggravated criminal sexual assault under
5 Section 11-1.30 or similar offense under the Criminal
6 Code of 1961;

7 (H) predatory criminal sexual assault of a child
8 under Section 11-1.40 or similar offense under the
9 Criminal Code of 1961;

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

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

14 (K) aggravated vehicular hijacking under Section
15 18-4 or similar offense under the Criminal Code of
16 1961;

17 (L) home invasion with a firearm under paragraph
18 (3), (4), or (5) of subsection (a) of Section 19-6 or
19 similar offense under the Criminal Code of 1961;

20 (M) aggravated discharge of a firearm under
21 Section 24-1.2 or similar offense under the Criminal
22 Code of 1961;

23 (N) aggravated discharge of a machine gun or a
24 firearm equipped with a device designed or used for
25 silencing the report of a firearm under Section
26 24-1.2-5 or similar offense under the Criminal Code of

1 1961;

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

5 (P) manufacture, sale, or transfer of bullets or
6 shells represented to be armor piercing bullets,
7 dragon's breath shotgun shells, bolo shells, or
8 flechette shells under Section 24-2.2 or similar
9 offense under the Criminal Code of 1961;

10 (Q) unlawful sale or delivery of firearms under
11 Section 24-3 or similar offense under the Criminal Code
12 of 1961;

13 (R) unlawful discharge of firearm projectiles
14 under Section 24-3.2 or similar offense under the
15 Criminal Code of 1961;

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

19 (T) unlawful purchase of a firearm under Section
20 24-3.5 or similar offense under the Criminal Code of
21 1961;

22 (U) use of a stolen or illegally acquired firearm
23 in the commission of an offense under Section 24-3.7 or
24 similar offense under the Criminal Code of 1961;

25 (V) possession of a stolen firearm under Section
26 24-3.8 or similar offense under the Criminal Code of

1 1961;

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

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

7 (Y) defacing identification marks of firearms
8 under Section 24-5 or similar offense under the
9 Criminal Code of 1961; and

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

12 (b) APPLICABILITY. For an offense committed on or after the
13 effective date of this amendatory Act of the 100th General
14 Assembly and before January 1, 2023, when a person is convicted
15 of unlawful use or possession of a weapon by a felon, when the
16 weapon is a firearm, or aggravated unlawful use of a weapon,
17 when the weapon is a firearm, after being previously convicted
18 of a qualifying predicate offense the person shall be subject
19 to the sentencing guidelines under this Section.

20 (c) SENTENCING GUIDELINES.

21 (1) When a person is convicted of unlawful use or
22 possession of a weapon by a felon, when the weapon is a
23 firearm, and that person has been previously convicted of a
24 qualifying predicate offense, the person shall be
25 sentenced to a term of imprisonment within the sentencing
26 range of not less than 7 years and not more than 14 years,

1 unless the court finds that a departure from the sentencing
2 guidelines under this paragraph is warranted under
3 subsection (d) of this Section.

4 (2) When a person is convicted of aggravated unlawful
5 use of a weapon, when the weapon is a firearm, and that
6 person has been previously convicted of a qualifying
7 predicate offense, the person shall be sentenced to a term
8 of imprisonment within the sentencing range of not less
9 than 6 years and not more than 7 years, unless the court
10 finds that a departure from the sentencing guidelines under
11 this paragraph is warranted under subsection (d) of this
12 Section.

13 (3) The sentencing guidelines in paragraphs (1) and (2)
14 of this subsection (c) apply only to offenses committed on
15 and after the effective date of this amendatory Act of the
16 100th General Assembly and before January 1, 2023.

17 (d) DEPARTURE FROM SENTENCING GUIDELINES.

18 (1) At the sentencing hearing conducted under Section
19 5-4-1 of this Code, the court may depart from the
20 sentencing guidelines provided in subsection (c) of this
21 Section and impose a sentence otherwise authorized by law
22 for the offense if the court, after considering any factor
23 under paragraph (2) of this subsection (d) relevant to the
24 nature and circumstances of the crime and to the history
25 and character of the defendant, finds on the record
26 substantial and compelling justification that the sentence

1 within the sentencing guidelines would be unduly harsh and
2 that a sentence otherwise authorized by law would be
3 consistent with public safety and does not deprecate the
4 seriousness of the offense.

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

7 (A) the age, immaturity, or limited mental
8 capacity of the defendant at the time of commission of
9 the qualifying predicate or current offense, including
10 whether the defendant was suffering from a mental or
11 physical condition insufficient to constitute a
12 defense but significantly reduced the defendant's
13 culpability;

14 (B) the nature and circumstances of the qualifying
15 predicate offense;

16 (C) the time elapsed since the qualifying
17 predicate offense;

18 (D) the nature and circumstances of the current
19 offense;

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

21 (F) whether the defendant committed the qualifying
22 predicate or current offense under specific and
23 credible duress, coercion, threat, or compulsion;

24 (G) whether the defendant aided in the
25 apprehension of another felon or testified truthfully
26 on behalf of another prosecution of a felony; and

1 (H) whether departure is in the interest of the
2 person's rehabilitation, including employment or
3 educational or vocational training, after taking into
4 account any past rehabilitation efforts or
5 dispositions of probation or supervision, and the
6 defendant's cooperation or response to rehabilitation.

7 (3) When departing from the sentencing guidelines
8 under this Section, the court shall specify on the record,
9 the particular evidence, information, factor or factors,
10 or other reasons which led to the departure from the
11 sentencing guidelines. When departing from the sentencing
12 range in accordance with this subsection (d), the court
13 shall indicate on the sentencing order which departure
14 factor or factors outlined in paragraph (2) of this
15 subsection (d) led to the sentence imposed. The sentencing
16 order shall be filed with the clerk of the court and shall
17 be a public record.

18 (e) This Section is repealed on January 1, 2023.

19 (Source: P.A. 100-3, eff. 1-1-18.)

20 (730 ILCS 5/5-5-3)

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

22 Sec. 5-5-3. Disposition.

23 (a) (Blank).

24 (b) (Blank).

25 (c) (1) (Blank).

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

7 (A) First degree murder where the death penalty is not
8 imposed.

9 (B) Attempted first degree murder.

10 (C) A Class X felony.

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

16 (D-5) A violation of subdivision (c)(1) of Section 401
17 of the Illinois Controlled Substances Act which relates to
18 3 or more grams of a substance containing heroin or an
19 analog thereof.

20 (E) (Blank).

21 (F) A Class 1 or greater felony if the offender had
22 been convicted of a Class 1 or greater felony, including
23 any state or federal conviction for an offense that
24 contained, at the time it was committed, the same elements
25 as an offense now (the date of the offense committed after
26 the prior Class 1 or greater felony) classified as a Class

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

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

16 (F-5) A violation of Section 18-4, 24-1, 24-1.1,
17 24-1.2, ~~or~~ 24-1.6, 24-1.7, 24-1.8, or 24-3.7 of the
18 Criminal Code of 1961 or the Criminal Code of 2012 for
19 which imprisonment is prescribed in those Sections.

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

22 (H) Criminal sexual assault.

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

26 (J) A forcible felony if the offense was related to the

1 activities of an organized gang.

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

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

12 (K) Vehicular hijacking.

13 (L) A second or subsequent conviction for the offense
14 of hate crime when the underlying offense upon which the
15 hate crime is based is felony aggravated assault or felony
16 mob action.

17 (M) A second or subsequent conviction for the offense
18 of institutional vandalism if the damage to the property
19 exceeds \$300.

20 (N) A Class 3 felony violation of paragraph (1) of
21 subsection (a) of Section 2 of the Firearm Owners
22 Identification Card Act.

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

25 (P) A violation of paragraph (1), (2), (3), (4), (5),
26 or (7) of subsection (a) of Section 11-20.1 of the Criminal

1 Code of 1961 or the Criminal Code of 2012.

2 (Q) A violation of subsection (b) or (b-5) of Section
3 20-1, Section 20-1.2, or Section 20-1.3 of the Criminal
4 Code of 1961 or the Criminal Code of 2012.

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

7 (S) (Blank).

8 (T) (Blank).

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

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

1 indecent liberties with a child, or aggravated indecent
2 liberties with a child where the victim was under the age
3 of 18 years or an offense that is substantially equivalent
4 to those offenses.

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

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

9 (Y) A conviction for unlawful possession of a firearm
10 by a street gang member when the firearm was loaded or
11 contained firearm ammunition.

12 (Z) A Class 1 felony committed while he or she was
13 serving a term of probation or conditional discharge for a
14 felony.

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

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

19 (CC) Knowingly selling, offering for sale, holding for
20 sale, or using 2,000 or more counterfeit items or
21 counterfeit items having a retail value in the aggregate of
22 \$500,000 or more.

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

1 is being used.

2 (EE) A conviction for a violation of paragraph (2) of
3 subsection (a) of Section 24-3B of the Criminal Code of
4 2012.

5 (3) (Blank).

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

10 (4.1) (Blank).

11 (4.2) Except as provided in paragraphs (4.3) and (4.8) of
12 this subsection (c), a minimum of 100 hours of community
13 service shall be imposed for a second violation of Section
14 6-303 of the Illinois Vehicle Code.

15 (4.3) A minimum term of imprisonment of 30 days or 300
16 hours of community service, as determined by the court, shall
17 be imposed for a second violation of subsection (c) of Section
18 6-303 of the Illinois Vehicle Code.

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

1 (4.5) A minimum term of imprisonment of 30 days shall be
2 imposed for a third violation of subsection (c) of Section
3 6-303 of the Illinois Vehicle Code.

4 (4.6) Except as provided in paragraph (4.10) of this
5 subsection (c), a minimum term of imprisonment of 180 days
6 shall be imposed for a fourth or subsequent violation of
7 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

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

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

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

25 (4.10) A mandatory prison sentence for a Class 1 felony
26 shall be imposed, and the person shall be eligible for an

1 extended term sentence, for a fourth or subsequent violation of
2 subsection (a-5) of Section 6-303 of the Illinois Vehicle Code,
3 as provided in subsection (d-3.5) of that Section. The person's
4 driving privileges shall be revoked for the remainder of his or
5 her life.

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

8 (A) a period of conditional discharge;

9 (B) a fine;

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

12 (5.1) In addition to any other penalties imposed, and
13 except as provided in paragraph (5.2) or (5.3), 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 at least 90 days but not
17 more than one year, if the violation resulted in damage to the
18 property of another person.

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

25 (5.3) In addition to any other penalties imposed, a person
26 convicted of violating subsection (c) of Section 11-907 of the

1 Illinois Vehicle Code shall have his or her driver's license,
2 permit, or privileges suspended for 2 years, if the violation
3 resulted in the death of another person.

4 (5.4) In addition to any other penalties imposed, a person
5 convicted of violating Section 3-707 of the Illinois Vehicle
6 Code shall have his or her driver's license, permit, or
7 privileges suspended for 3 months and until he or she has paid
8 a reinstatement fee of \$100.

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

17 (6) (Blank).

18 (7) (Blank).

19 (8) (Blank).

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

23 (10) (Blank).

24 (11) The court shall impose a minimum fine of \$1,000 for a
25 first offense and \$2,000 for a second or subsequent offense
26 upon a person convicted of or placed on supervision for battery

1 when the individual harmed was a sports official or coach at
2 any level of competition and the act causing harm to the sports
3 official or coach occurred within an athletic facility or
4 within the immediate vicinity of the athletic facility at which
5 the sports official or coach was an active participant of the
6 athletic contest held at the athletic facility. For the
7 purposes of this paragraph (11), "sports official" means a
8 person at an athletic contest who enforces the rules of the
9 contest, such as an umpire or referee; "athletic facility"
10 means an indoor or outdoor playing field or recreational area
11 where sports activities are conducted; and "coach" means a
12 person recognized as a coach by the sanctioning authority that
13 conducted the sporting event.

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

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

1 The costs of such classes shall be paid by the offender.

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

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

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

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

5 (B) the defendant is willing to participate in a
6 court approved plan including but not limited to the
7 defendant's:

8 (i) removal from the household;

9 (ii) restricted contact with the victim;

10 (iii) continued financial support of the
11 family;

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

13 and

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

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

23 Probation may be revoked or modified pursuant to Section
24 5-6-4; except where the court determines at the hearing that
25 the defendant violated a condition of his or her probation
26 restricting contact with the victim or other family members or

1 commits another offense with the victim or other family
2 members, the court shall revoke the defendant's probation and
3 impose a term of imprisonment.

4 For the purposes of this Section, "family member" and
5 "victim" shall have the meanings ascribed to them in Section
6 11-0.1 of the Criminal Code of 2012.

7 (f) (Blank).

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

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

23 (g-5) When an inmate is tested for an airborne communicable
24 disease, as determined by the Illinois Department of Public
25 Health including but not limited to tuberculosis, the results
26 of the test shall be personally delivered by the warden or his

1 or her designee in a sealed envelope to the judge of the court
2 in which the inmate must appear for the judge's inspection in
3 camera if requested by the judge. Acting in accordance with the
4 best interests of those in the courtroom, the judge shall have
5 the discretion to determine what if any precautions need to be
6 taken to prevent transmission of the disease in the courtroom.

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

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

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

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

1 supervision, or an order of probation granted under Section 10
2 of the Cannabis Control Act, Section 410 of the Illinois
3 Controlled Substances Act, or Section 70 of the Methamphetamine
4 Control and Community Protection Act of a defendant, the court
5 shall determine whether the defendant is employed by a facility
6 or center as defined under the Child Care Act of 1969, a public
7 or private elementary or secondary school, or otherwise works
8 with children under 18 years of age on a daily basis. When a
9 defendant is so employed, the court shall order the Clerk of
10 the Court to send a copy of the judgment of conviction or order
11 of supervision or probation to the defendant's employer by
12 certified mail. If the employer of the defendant is a school,
13 the Clerk of the Court shall direct the mailing of a copy of
14 the judgment of conviction or order of supervision or probation
15 to the appropriate regional superintendent of schools. The
16 regional superintendent of schools shall notify the State Board
17 of Education of any notification under this subsection.

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

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

24 (k) (Blank).

25 (l) (A) Except as provided in paragraph (C) of subsection
26 (l), whenever a defendant, who is an alien as defined by the

1 Immigration and Nationality Act, is convicted of any felony or
2 misdemeanor offense, the court after sentencing the defendant
3 may, upon motion of the State's Attorney, hold sentence in
4 abeyance and remand the defendant to the custody of the
5 Attorney General of the United States or his or her designated
6 agent to be deported when:

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

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

13 Otherwise, the defendant shall be sentenced as provided in
14 this Chapter V.

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

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

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

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

7 (D) Upon motion of the State's Attorney, if a defendant
8 sentenced under this Section returns to the jurisdiction of the
9 United States, the defendant shall be recommitted to the
10 custody of the county from which he or she was sentenced.
11 Thereafter, the defendant shall be brought before the
12 sentencing court, which may impose any sentence that was
13 available under Section 5-5-3 at the time of initial
14 sentencing. In addition, the defendant shall not be eligible
15 for additional earned sentence credit as provided under Section
16 3-6-3.

17 (m) A person convicted of criminal defacement of property
18 under Section 21-1.3 of the Criminal Code of 1961 or the
19 Criminal Code of 2012, in which the property damage exceeds
20 \$300 and the property damaged is a school building, shall be
21 ordered to perform community service that may include cleanup,
22 removal, or painting over the defacement.

23 (n) The court may sentence a person convicted of a
24 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or
25 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
26 of 1961 or the Criminal Code of 2012 (i) to an impact

1 incarceration program if the person is otherwise eligible for
2 that program under Section 5-8-1.1, (ii) to community service,
3 or (iii) if the person has a substance use disorder, as defined
4 in the Substance Use Disorder Act, to a treatment program
5 licensed under that Act.

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

11 (Source: P.A. 99-143, eff. 7-27-15; 99-885, eff. 8-23-16;
12 99-938, eff. 1-1-18; 100-575, eff. 1-8-18; 100-759, eff.
13 1-1-19; revised 10-12-18.)

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

15 Sec. 5-5-3. Disposition.

16 (a) (Blank).

17 (b) (Blank).

18 (c) (1) (Blank).

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

25 (A) First degree murder where the death penalty is not

1 imposed.

2 (B) Attempted first degree murder.

3 (C) A Class X felony.

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

9 (D-5) A violation of subdivision (c)(1) of Section 401
10 of the Illinois Controlled Substances Act which relates to
11 3 or more grams of a substance containing heroin or an
12 analog thereof.

13 (E) (Blank).

14 (F) A Class 1 or greater felony if the offender had
15 been convicted of a Class 1 or greater felony, including
16 any state or federal conviction for an offense that
17 contained, at the time it was committed, the same elements
18 as an offense now (the date of the offense committed after
19 the prior Class 1 or greater felony) classified as a Class
20 1 or greater felony, within 10 years of the date on which
21 the offender committed the offense for which he or she is
22 being sentenced, except as otherwise provided in Section
23 40-10 of the Substance Use Disorder Act.

24 (F-3) A Class 2 or greater felony sex offense or felony
25 firearm offense if the offender had been convicted of a
26 Class 2 or greater felony, including any state or federal

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

9 (F-5) A violation of Section 18-4, 24-1, 24-1.1,
10 24-1.2, ~~or~~ 24-1.6, 24-1.7, 24-1.8, or 24-3.7 of the
11 Criminal Code of 1961 or the Criminal Code of 2012 for
12 which imprisonment is prescribed in those Sections.

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

15 (H) Criminal sexual assault.

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

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

21 Before July 1, 1994, for the purposes of this
22 paragraph, "organized gang" means an association of 5 or
23 more persons, with an established hierarchy, that
24 encourages members of the association to perpetrate crimes
25 or provides support to the members of the association who
26 do commit crimes.

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

5 (K) Vehicular hijacking.

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

10 (M) A second or subsequent conviction for the offense
11 of institutional vandalism if the damage to the property
12 exceeds \$300.

13 (N) A Class 3 felony violation of paragraph (1) of
14 subsection (a) of Section 2 of the Firearm Owners
15 Identification Card Act.

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

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

21 (Q) A violation of subsection (b) or (b-5) of Section
22 20-1, Section 20-1.2, or Section 20-1.3 of the Criminal
23 Code of 1961 or the Criminal Code of 2012.

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

26 (S) (Blank).

1 (T) (Blank).

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

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

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

26 (X) A violation of subsection (a) of Section 31-1a of

1 the Criminal Code of 1961 or the Criminal Code of 2012.

2 (Y) A conviction for unlawful possession of a firearm
3 by a street gang member when the firearm was loaded or
4 contained firearm ammunition.

5 (Z) A Class 1 felony committed while he or she was
6 serving a term of probation or conditional discharge for a
7 felony.

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

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

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

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

21 (EE) A conviction for a violation of paragraph (2) of
22 subsection (a) of Section 24-3B of the Criminal Code of
23 2012.

24 (3) (Blank).

25 (4) A minimum term of imprisonment of not less than 10
26 consecutive days or 30 days of community service shall be

1 imposed for a violation of paragraph (c) of Section 6-303 of
2 the Illinois Vehicle Code.

3 (4.1) (Blank).

4 (4.2) Except as provided in paragraphs (4.3) and (4.8) of
5 this subsection (c), a minimum of 100 hours of community
6 service shall be imposed for a second violation of Section
7 6-303 of the Illinois Vehicle Code.

8 (4.3) A minimum term of imprisonment of 30 days or 300
9 hours of community service, as determined by the court, shall
10 be imposed for a second violation of subsection (c) of Section
11 6-303 of the Illinois Vehicle Code.

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

20 (4.5) A minimum term of imprisonment of 30 days shall be
21 imposed for a third violation of subsection (c) of Section
22 6-303 of the Illinois Vehicle Code.

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

1 (4.7) A minimum term of imprisonment of not less than 30
2 consecutive days, or 300 hours of community service, shall be
3 imposed for a violation of subsection (a-5) of Section 6-303 of
4 the Illinois Vehicle Code, as provided in subsection (b-5) of
5 that Section.

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

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

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

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

- 1 (A) a period of conditional discharge;
- 2 (B) a fine;
- 3 (C) make restitution to the victim under Section 5-5-6
- 4 of this Code.

5 (5.1) In addition to any other penalties imposed, and

6 except as provided in paragraph (5.2) or (5.3), a person

7 convicted of violating subsection (c) of Section 11-907 of the

8 Illinois Vehicle Code shall have his or her driver's license,

9 permit, or privileges suspended for at least 90 days but not

10 more than one year, if the violation resulted in damage to the

11 property of another person.

12 (5.2) In addition to any other penalties imposed, and

13 except as provided in paragraph (5.3), a person convicted of

14 violating subsection (c) of Section 11-907 of the Illinois

15 Vehicle Code shall have his or her driver's license, permit, or

16 privileges suspended for at least 180 days but not more than 2

17 years, if the violation resulted in injury to another person.

18 (5.3) In addition to any other penalties imposed, a person

19 convicted of violating subsection (c) of Section 11-907 of the

20 Illinois Vehicle Code shall have his or her driver's license,

21 permit, or privileges suspended for 2 years, if the violation

22 resulted in the death of another person.

23 (5.4) In addition to any other penalties imposed, a person

24 convicted of violating Section 3-707 of the Illinois Vehicle

25 Code shall have his or her driver's license, permit, or

26 privileges suspended for 3 months and until he or she has paid

1 a reinstatement fee of \$100.

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

10 (6) (Blank).

11 (7) (Blank).

12 (8) (Blank).

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

16 (10) (Blank).

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

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

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

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

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

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

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

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

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

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

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

9 (2) the court orders the defendant to pay for the

10 victim's counseling services, to the extent that the court

11 finds, after considering the defendant's income and

12 assets, that the defendant is financially capable of paying

13 for such services, if the victim was under 18 years of age

14 at the time the offense was committed and requires

15 counseling as a result of the offense.

16 Probation may be revoked or modified pursuant to Section

17 5-6-4; except where the court determines at the hearing that

18 the defendant violated a condition of his or her probation

19 restricting contact with the victim or other family members or

20 commits another offense with the victim or other family

21 members, the court shall revoke the defendant's probation and

22 impose a term of imprisonment.

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

24 "victim" shall have the meanings ascribed to them in Section

25 11-0.1 of the Criminal Code of 2012.

26 (f) (Blank).

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

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

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

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

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

1 of any such test shall be paid by the county and may be taxed as
2 costs against the convicted defendant.

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

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

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

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

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

17 (k) (Blank).

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

26 (1) a final order of deportation has been issued

1 against the defendant pursuant to proceedings under the
2 Immigration and Nationality Act, and

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

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

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

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

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

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

26 (D) Upon motion of the State's Attorney, if a defendant

1 sentenced under this Section returns to the jurisdiction of the
2 United States, the defendant shall be recommitted to the
3 custody of the county from which he or she was sentenced.
4 Thereafter, the defendant shall be brought before the
5 sentencing court, which may impose any sentence that was
6 available under Section 5-5-3 at the time of initial
7 sentencing. In addition, the defendant shall not be eligible
8 for additional earned sentence credit as provided under Section
9 3-6-3.

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

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

25 (o) Whenever a person is convicted of a sex offense as
26 defined in Section 2 of the Sex Offender Registration Act, the

1 defendant's driver's license or permit shall be subject to
2 renewal on an annual basis in accordance with the provisions of
3 license renewal established by the Secretary of State.

4 (Source: P.A. 99-143, eff. 7-27-15; 99-885, eff. 8-23-16;
5 99-938, eff. 1-1-18; 100-575, eff. 1-8-18; 100-759, eff.
6 1-1-19; 100-987, eff. 7-1-19; revised 10-12-18.)

7 (730 ILCS 5/5-8-4) (from Ch. 38, par. 1005-8-4)

8 Sec. 5-8-4. Concurrent and consecutive terms of
9 imprisonment.

10 (a) Concurrent terms; multiple or additional sentences.
11 When an Illinois court (i) imposes multiple sentences of
12 imprisonment on a defendant at the same time or (ii) imposes a
13 sentence of imprisonment on a defendant who is already subject
14 to a sentence of imprisonment imposed by an Illinois court, a
15 court of another state, or a federal court, then the sentences
16 shall run concurrently unless otherwise determined by the
17 Illinois court under this Section.

18 (b) Concurrent terms; misdemeanor and felony. A defendant
19 serving a sentence for a misdemeanor who is convicted of a
20 felony and sentenced to imprisonment shall be transferred to
21 the Department of Corrections, and the misdemeanor sentence
22 shall be merged in and run concurrently with the felony
23 sentence.

24 (c) Consecutive terms; permissive. The court may impose
25 consecutive sentences in any of the following circumstances:

1 (1) If, having regard to the nature and circumstances
2 of the offense and the history and character of the
3 defendant, it is the opinion of the court that consecutive
4 sentences are required to protect the public from further
5 criminal conduct by the defendant, the basis for which the
6 court shall set forth in the record.

7 (2) If one of the offenses for which a defendant was
8 convicted was a violation of Section 32-5.2 (aggravated
9 false personation of a peace officer) of the Criminal Code
10 of 1961 (720 ILCS 5/32-5.2) or a violation of subdivision
11 (b) (5) or (b) (6) of Section 17-2 of the Criminal Code of
12 1961 or the Criminal Code of 2012 (720 ILCS 5/17-2) and the
13 offense was committed in attempting or committing a
14 forcible felony.

15 (d) Consecutive terms; mandatory. The court shall impose
16 consecutive sentences in each of the following circumstances:

17 (1) One of the offenses for which the defendant was
18 convicted was first degree murder or a Class X or Class 1
19 felony and the defendant inflicted severe bodily injury.

20 (2) The defendant was convicted of a violation of
21 Section 11-1.20 or 12-13 (criminal sexual assault),
22 11-1.30 or 12-14 (aggravated criminal sexual assault), or
23 11-1.40 or 12-14.1 (predatory criminal sexual assault of a
24 child) of the Criminal Code of 1961 or the Criminal Code of
25 2012 (720 ILCS 5/11-20.1, 5/11-20.1B, 5/11-20.3,
26 5/11-1.20, 5/12-13, 5/11-1.30, 5/12-14, 5/11-1.40, or

1 5/12-14.1).

2 (2.5) The defendant was convicted of a violation of
3 paragraph (1), (2), (3), (4), (5), or (7) of subsection (a)
4 of Section 11-20.1 (child pornography) or of paragraph (1),
5 (2), (3), (4), (5), or (7) of subsection (a) of Section
6 11-20.1B or 11-20.3 (aggravated child pornography) of the
7 Criminal Code of 1961 or the Criminal Code of 2012; or the
8 defendant was convicted of a violation of paragraph (6) of
9 subsection (a) of Section 11-20.1 (child pornography) or of
10 paragraph (6) of subsection (a) of Section 11-20.1B or
11 11-20.3 (aggravated child pornography) of the Criminal
12 Code of 1961 or the Criminal Code of 2012, when the child
13 depicted is under the age of 13.

14 (3) The defendant was convicted of armed violence based
15 upon the predicate offense of any of the following:
16 solicitation of murder, solicitation of murder for hire,
17 heinous battery as described in Section 12-4.1 or
18 subdivision (a)(2) of Section 12-3.05, aggravated battery
19 of a senior citizen as described in Section 12-4.6 or
20 subdivision (a)(4) of Section 12-3.05, criminal sexual
21 assault, a violation of subsection (g) of Section 5 of the
22 Cannabis Control Act (720 ILCS 550/5), cannabis
23 trafficking, a violation of subsection (a) of Section 401
24 of the Illinois Controlled Substances Act (720 ILCS
25 570/401), controlled substance trafficking involving a
26 Class X felony amount of controlled substance under Section

1 401 of the Illinois Controlled Substances Act (720 ILCS
2 570/401), a violation of the Methamphetamine Control and
3 Community Protection Act (720 ILCS 646/), calculated
4 criminal drug conspiracy, or streetgang criminal drug
5 conspiracy.

6 (4) The defendant was convicted of the offense of
7 leaving the scene of a motor vehicle accident involving
8 death or personal injuries under Section 11-401 of the
9 Illinois Vehicle Code (625 ILCS 5/11-401) and either: (A)
10 aggravated driving under the influence of alcohol, other
11 drug or drugs, or intoxicating compound or compounds, or
12 any combination thereof under Section 11-501 of the
13 Illinois Vehicle Code (625 ILCS 5/11-501), (B) reckless
14 homicide under Section 9-3 of the Criminal Code of 1961 or
15 the Criminal Code of 2012 (720 ILCS 5/9-3), or (C) both an
16 offense described in item (A) and an offense described in
17 item (B).

18 (5) The defendant was convicted of a violation of
19 Section 9-3.1 or Section 9-3.4 (concealment of homicidal
20 death) or Section 12-20.5 (dismembering a human body) of
21 the Criminal Code of 1961 or the Criminal Code of 2012 (720
22 ILCS 5/9-3.1 or 5/12-20.5).

23 (5.5) The defendant was convicted of a violation of
24 Section 24-3.7 (use of a stolen or illegally acquired
25 firearm in the commission of an offense) of the Criminal
26 Code of 1961 or the Criminal Code of 2012.

1 (6) If the defendant was in the custody of the
2 Department of Corrections at the time of the commission of
3 the offense, the sentence shall be served consecutive to
4 the sentence under which the defendant is held by the
5 Department of Corrections. If, however, the defendant is
6 sentenced to punishment by death, the sentence shall be
7 executed at such time as the court may fix without regard
8 to the sentence under which the defendant may be held by
9 the Department.

10 (7) A sentence under Section 3-6-4 (730 ILCS 5/3-6-4)
11 for escape or attempted escape shall be served consecutive
12 to the terms under which the offender is held by the
13 Department of Corrections.

14 (8) If a person charged with a felony commits a
15 separate felony while on pretrial release or in pretrial
16 detention in a county jail facility or county detention
17 facility, then the sentences imposed upon conviction of
18 these felonies shall be served consecutively regardless of
19 the order in which the judgments of conviction are entered.

20 (8.5) If a person commits a battery against a county
21 correctional officer or sheriff's employee while serving a
22 sentence or in pretrial detention in a county jail
23 facility, then the sentence imposed upon conviction of the
24 battery shall be served consecutively with the sentence
25 imposed upon conviction of the earlier misdemeanor or
26 felony, regardless of the order in which the judgments of

1 conviction are entered.

2 (9) If a person admitted to bail following conviction
3 of a felony commits a separate felony while free on bond or
4 if a person detained in a county jail facility or county
5 detention facility following conviction of a felony
6 commits a separate felony while in detention, then any
7 sentence following conviction of the separate felony shall
8 be consecutive to that of the original sentence for which
9 the defendant was on bond or detained.

10 (10) If a person is found to be in possession of an
11 item of contraband, as defined in Section 31A-0.1 of the
12 Criminal Code of 2012, while serving a sentence in a county
13 jail or while in pre-trial detention in a county jail, the
14 sentence imposed upon conviction for the offense of
15 possessing contraband in a penal institution shall be
16 served consecutively to the sentence imposed for the
17 offense in which the person is serving sentence in the
18 county jail or serving pretrial detention, regardless of
19 the order in which the judgments of conviction are entered.

20 (11) If a person is sentenced for a violation of bail
21 bond under Section 32-10 of the Criminal Code of 1961 or
22 the Criminal Code of 2012, any sentence imposed for that
23 violation shall be served consecutive to the sentence
24 imposed for the charge for which bail had been granted and
25 with respect to which the defendant has been convicted.

26 (e) Consecutive terms; subsequent non-Illinois term. If an

1 Illinois court has imposed a sentence of imprisonment on a
2 defendant and the defendant is subsequently sentenced to a term
3 of imprisonment by a court of another state or a federal court,
4 then the Illinois sentence shall run consecutively to the
5 sentence imposed by the court of the other state or the federal
6 court. That same Illinois court, however, may order that the
7 Illinois sentence run concurrently with the sentence imposed by
8 the court of the other state or the federal court, but only if
9 the defendant applies to that same Illinois court within 30
10 days after the sentence imposed by the court of the other state
11 or the federal court is finalized.

12 (f) Consecutive terms; aggregate maximums and minimums.
13 The aggregate maximum and aggregate minimum of consecutive
14 sentences shall be determined as follows:

15 (1) For sentences imposed under law in effect prior to
16 February 1, 1978, the aggregate maximum of consecutive
17 sentences shall not exceed the maximum term authorized
18 under Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of
19 Chapter V for the 2 most serious felonies involved. The
20 aggregate minimum period of consecutive sentences shall
21 not exceed the highest minimum term authorized under
22 Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of Chapter
23 V for the 2 most serious felonies involved. When sentenced
24 only for misdemeanors, a defendant shall not be
25 consecutively sentenced to more than the maximum for one
26 Class A misdemeanor.

1 (2) For sentences imposed under the law in effect on or
2 after February 1, 1978, the aggregate of consecutive
3 sentences for offenses that were committed as part of a
4 single course of conduct during which there was no
5 substantial change in the nature of the criminal objective
6 shall not exceed the sum of the maximum terms authorized
7 under Article 4.5 of Chapter V for the 2 most serious
8 felonies involved, but no such limitation shall apply for
9 offenses that were not committed as part of a single course
10 of conduct during which there was no substantial change in
11 the nature of the criminal objective. When sentenced only
12 for misdemeanors, a defendant shall not be consecutively
13 sentenced to more than the maximum for one Class A
14 misdemeanor.

15 (g) Consecutive terms; manner served. In determining the
16 manner in which consecutive sentences of imprisonment, one or
17 more of which is for a felony, will be served, the Department
18 of Corrections shall treat the defendant as though he or she
19 had been committed for a single term subject to each of the
20 following:

21 (1) The maximum period of a term of imprisonment shall
22 consist of the aggregate of the maximums of the imposed
23 indeterminate terms, if any, plus the aggregate of the
24 imposed determinate sentences for felonies, plus the
25 aggregate of the imposed determinate sentences for
26 misdemeanors, subject to subsection (f) of this Section.

1 (2) The parole or mandatory supervised release term
2 shall be as provided in paragraph (e) of Section 5-4.5-50
3 (730 ILCS 5/5-4.5-50) for the most serious of the offenses
4 involved.

5 (3) The minimum period of imprisonment shall be the
6 aggregate of the minimum and determinate periods of
7 imprisonment imposed by the court, subject to subsection
8 (f) of this Section.

9 (4) The defendant shall be awarded credit against the
10 aggregate maximum term and the aggregate minimum term of
11 imprisonment for all time served in an institution since
12 the commission of the offense or offenses and as a
13 consequence thereof at the rate specified in Section 3-6-3
14 (730 ILCS 5/3-6-3).

15 (Source: P.A. 97-475, eff. 8-22-11; 97-1108, eff. 1-1-13;
16 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-437, eff.
17 1-1-14.)

18 Section 95. No acceleration or delay. Where this Act makes
19 changes in a statute that is represented in this Act by text
20 that is not yet or no longer in effect (for example, a Section
21 represented by multiple versions), the use of that text does
22 not accelerate or delay the taking effect of (i) the changes
23 made by this Act or (ii) provisions derived from any other
24 Public Act."