



Rep. Jehan Gordon-Booth

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LRB100 03302 RLC 30130 a

1 AMENDMENT TO HOUSE BILL 184

2 AMENDMENT NO. _____. Amend House Bill 184 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Criminal Justice Information Act
5 is amended by changing Section 7 as follows:

6 (20 ILCS 3930/7) (from Ch. 38, par. 210-7)

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

8 Sec. 7. Powers and Duties. The Authority shall have the
9 following powers, duties and responsibilities:

10 (a) To develop and operate comprehensive information
11 systems for the improvement and coordination of all aspects
12 of law enforcement, prosecution and corrections;

13 (b) To define, develop, evaluate and correlate State
14 and local programs and projects associated with the
15 improvement of law enforcement and the administration of
16 criminal justice;

1 (c) To act as a central repository and clearing house
2 for federal, state and local research studies, plans,
3 projects, proposals and other information relating to all
4 aspects of criminal justice system improvement and to
5 encourage educational programs for citizen support of
6 State and local efforts to make such improvements;

7 (d) To undertake research studies to aid in
8 accomplishing its purposes;

9 (e) To monitor the operation of existing criminal
10 justice information systems in order to protect the
11 constitutional rights and privacy of individuals about
12 whom criminal history record information has been
13 collected;

14 (f) To provide an effective administrative forum for
15 the protection of the rights of individuals concerning
16 criminal history record information;

17 (g) To issue regulations, guidelines and procedures
18 which ensure the privacy and security of criminal history
19 record information consistent with State and federal laws;

20 (h) To act as the sole administrative appeal body in
21 the State of Illinois to conduct hearings and make final
22 determinations concerning individual challenges to the
23 completeness and accuracy of criminal history record
24 information;

25 (i) To act as the sole, official, criminal justice body
26 in the State of Illinois to conduct annual and periodic

1 audits of the procedures, policies, and practices of the
2 State central repositories for criminal history record
3 information to verify compliance with federal and state
4 laws and regulations governing such information;

5 (j) To advise the Authority's Statistical Analysis
6 Center;

7 (k) To apply for, receive, establish priorities for,
8 allocate, disburse and spend grants of funds that are made
9 available by and received on or after January 1, 1983 from
10 private sources or from the United States pursuant to the
11 federal Crime Control Act of 1973, as amended, and similar
12 federal legislation, and to enter into agreements with the
13 United States government to further the purposes of this
14 Act, or as may be required as a condition of obtaining
15 federal funds;

16 (l) To receive, expend and account for such funds of
17 the State of Illinois as may be made available to further
18 the purposes of this Act;

19 (m) To enter into contracts and to cooperate with units
20 of general local government or combinations of such units,
21 State agencies, and criminal justice system agencies of
22 other states for the purpose of carrying out the duties of
23 the Authority imposed by this Act or by the federal Crime
24 Control Act of 1973, as amended;

25 (n) To enter into contracts and cooperate with units of
26 general local government outside of Illinois, other

1 states' agencies, and private organizations outside of
2 Illinois to provide computer software or design that has
3 been developed for the Illinois criminal justice system, or
4 to participate in the cooperative development or design of
5 new software or systems to be used by the Illinois criminal
6 justice system. Revenues received as a result of such
7 arrangements shall be deposited in the Criminal Justice
8 Information Systems Trust Fund.

9 (o) To establish general policies concerning criminal
10 justice information systems and to promulgate such rules,
11 regulations and procedures as are necessary to the
12 operation of the Authority and to the uniform consideration
13 of appeals and audits;

14 (p) To advise and to make recommendations to the
15 Governor and the General Assembly on policies relating to
16 criminal justice information systems;

17 (q) To direct all other agencies under the jurisdiction
18 of the Governor to provide whatever assistance and
19 information the Authority may lawfully require to carry out
20 its functions;

21 (r) To exercise any other powers that are reasonable
22 and necessary to fulfill the responsibilities of the
23 Authority under this Act and to comply with the
24 requirements of applicable federal law or regulation;

25 (s) To exercise the rights, powers and duties which
26 have been vested in the Authority by the "Illinois Uniform

1 Conviction Information Act", enacted by the 85th General
2 Assembly, as hereafter amended;

3 (t) To exercise the rights, powers and duties which
4 have been vested in the Authority by the Illinois Motor
5 Vehicle Theft Prevention Act;

6 (u) To exercise the rights, powers, and duties vested
7 in the Authority by the Illinois Public Safety Agency
8 Network Act; and

9 (v) To provide technical assistance in the form of
10 training to local governmental entities within Illinois
11 requesting such assistance for the purposes of procuring
12 grants for gang intervention and gang prevention programs
13 or other criminal justice programs from the United States
14 Department of Justice.

15 The requirement for reporting to the General Assembly shall
16 be satisfied by filing copies of the report with the Speaker,
17 the Minority Leader and the Clerk of the House of
18 Representatives and the President, the Minority Leader and the
19 Secretary of the Senate and the Legislative Research Unit, as
20 required by Section 3.1 of "An Act to revise the law in
21 relation to the General Assembly", approved February 25, 1874,
22 as amended, and filing such additional copies with the State
23 Government Report Distribution Center for the General Assembly
24 as is required under paragraph (t) of Section 7 of the State
25 Library Act.

26 (Source: P.A. 97-435, eff. 1-1-12.)

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

2 Sec. 7. Powers and Duties. The Authority shall have the
3 following powers, duties and responsibilities:

4 (a) To develop and operate comprehensive information
5 systems for the improvement and coordination of all aspects
6 of law enforcement, prosecution and corrections;

7 (b) To define, develop, evaluate and correlate State
8 and local programs and projects associated with the
9 improvement of law enforcement and the administration of
10 criminal justice;

11 (c) To act as a central repository and clearing house
12 for federal, state and local research studies, plans,
13 projects, proposals and other information relating to all
14 aspects of criminal justice system improvement and to
15 encourage educational programs for citizen support of
16 State and local efforts to make such improvements;

17 (d) To undertake research studies to aid in
18 accomplishing its purposes;

19 (e) To monitor the operation of existing criminal
20 justice information systems in order to protect the
21 constitutional rights and privacy of individuals about
22 whom criminal history record information has been
23 collected;

24 (f) To provide an effective administrative forum for
25 the protection of the rights of individuals concerning

1 criminal history record information;

2 (g) To issue regulations, guidelines and procedures
3 which ensure the privacy and security of criminal history
4 record information consistent with State and federal laws;

5 (h) To act as the sole administrative appeal body in
6 the State of Illinois to conduct hearings and make final
7 determinations concerning individual challenges to the
8 completeness and accuracy of criminal history record
9 information;

10 (i) To act as the sole, official, criminal justice body
11 in the State of Illinois to conduct annual and periodic
12 audits of the procedures, policies, and practices of the
13 State central repositories for criminal history record
14 information to verify compliance with federal and state
15 laws and regulations governing such information;

16 (j) To advise the Authority's Statistical Analysis
17 Center;

18 (k) To apply for, receive, establish priorities for,
19 allocate, disburse and spend grants of funds that are made
20 available by and received on or after January 1, 1983 from
21 private sources or from the United States pursuant to the
22 federal Crime Control Act of 1973, as amended, and similar
23 federal legislation, and to enter into agreements with the
24 United States government to further the purposes of this
25 Act, or as may be required as a condition of obtaining
26 federal funds;

1 (l) To receive, expend and account for such funds of
2 the State of Illinois as may be made available to further
3 the purposes of this Act;

4 (m) To enter into contracts and to cooperate with units
5 of general local government or combinations of such units,
6 State agencies, and criminal justice system agencies of
7 other states for the purpose of carrying out the duties of
8 the Authority imposed by this Act or by the federal Crime
9 Control Act of 1973, as amended;

10 (n) To enter into contracts and cooperate with units of
11 general local government outside of Illinois, other
12 states' agencies, and private organizations outside of
13 Illinois to provide computer software or design that has
14 been developed for the Illinois criminal justice system, or
15 to participate in the cooperative development or design of
16 new software or systems to be used by the Illinois criminal
17 justice system. Revenues received as a result of such
18 arrangements shall be deposited in the Criminal Justice
19 Information Systems Trust Fund;

20 (o) To establish general policies concerning criminal
21 justice information systems and to promulgate such rules,
22 regulations and procedures as are necessary to the
23 operation of the Authority and to the uniform consideration
24 of appeals and audits;

25 (p) To advise and to make recommendations to the
26 Governor and the General Assembly on policies relating to

1 criminal justice information systems;

2 (q) To direct all other agencies under the jurisdiction
3 of the Governor to provide whatever assistance and
4 information the Authority may lawfully require to carry out
5 its functions;

6 (r) To exercise any other powers that are reasonable
7 and necessary to fulfill the responsibilities of the
8 Authority under this Act and to comply with the
9 requirements of applicable federal law or regulation;

10 (s) To exercise the rights, powers and duties which
11 have been vested in the Authority by the "Illinois Uniform
12 Conviction Information Act", enacted by the 85th General
13 Assembly, as hereafter amended;

14 (t) To exercise the rights, powers and duties which
15 have been vested in the Authority by the Illinois Motor
16 Vehicle Theft Prevention Act;

17 (u) To exercise the rights, powers, and duties vested
18 in the Authority by the Illinois Public Safety Agency
19 Network Act;

20 (v) To provide technical assistance in the form of
21 training to local governmental entities within Illinois
22 requesting such assistance for the purposes of procuring
23 grants for gang intervention and gang prevention programs
24 or other criminal justice programs from the United States
25 Department of Justice; ~~and~~

26 (w) To conduct strategic planning and provide

1 technical assistance to implement comprehensive trauma
2 recovery services for violent crime victims in underserved
3 communities with high levels of violent crime, with the
4 goal of providing a safe, community-based, culturally
5 competent environment in which to access services
6 necessary to facilitate recovery from the effects of
7 chronic and repeat exposure to trauma. Services may
8 include, but are not limited to, behavioral health
9 treatment, financial recovery, family support and
10 relocation assistance, and support in navigating the legal
11 system; and ~~—~~

12 (x) To coordinate statewide violence prevention
13 efforts and assist in the implementation of trauma recovery
14 centers and analyze trauma recovery services. The
15 Authority shall develop, publish, and facilitate the
16 implementation of a 4-year statewide violence prevention
17 plan, which shall incorporate public health, public
18 safety, victim services, and trauma recovery centers and
19 services.

20 The requirement for reporting to the General Assembly shall
21 be satisfied by filing copies of the report with the Speaker,
22 the Minority Leader and the Clerk of the House of
23 Representatives and the President, the Minority Leader and the
24 Secretary of the Senate and the Legislative Research Unit, as
25 required by Section 3.1 of "An Act to revise the law in
26 relation to the General Assembly", approved February 25, 1874,

1 as amended, and filing such additional copies with the State
2 Government Report Distribution Center for the General Assembly
3 as is required under paragraph (t) of Section 7 of the State
4 Library Act.

5 (Source: P.A. 99-938, eff. 1-1-18.)

6 Section 10. The Illinois Vehicle Code is amended by
7 changing Section 6-303 as follows:

8 (625 ILCS 5/6-303) (from Ch. 95 1/2, par. 6-303)

9 (Text of Section before amendment by P.A. 100-149)

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

12 (a) Except as otherwise provided in subsection (a-5), any
13 person who drives or is in actual physical control of a motor
14 vehicle on any highway of this State at a time when such
15 person's driver's license, permit or privilege to do so or the
16 privilege to obtain a driver's license or permit is revoked or
17 suspended as provided by this Code or the law of another state,
18 except as may be specifically allowed by a judicial driving
19 permit issued prior to January 1, 2009, monitoring device
20 driving permit, family financial responsibility driving
21 permit, probationary license to drive, or a restricted driving
22 permit issued pursuant to this Code or under the law of another
23 state, shall be guilty of a Class A misdemeanor.

24 (a-3) A second or subsequent violation of subsection (a) of

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

11 (a-5) Any person who violates this Section as provided in
12 subsection (a) while his or her driver's license, permit or
13 privilege is revoked because of a violation of Section 9-3 of
14 the Criminal Code of 1961 or the Criminal Code of 2012,
15 relating to the offense of reckless homicide or a similar
16 provision of a law of another state, is guilty of a Class 4
17 felony. The person shall be required to undergo a professional
18 evaluation, as provided in Section 11-501 of this Code, to
19 determine if an alcohol, drug, or intoxicating compound problem
20 exists and the extent of the problem, and to undergo the
21 imposition of treatment as appropriate.

22 (a-10) A person's driver's license, permit, or privilege to
23 obtain a driver's license or permit may be subject to multiple
24 revocations, multiple suspensions, or any combination of both
25 simultaneously. No revocation or suspension shall serve to
26 negate, invalidate, cancel, postpone, or in any way lessen the

1 effect of any other revocation or suspension entered prior or
2 subsequent to any other revocation or suspension.

3 (b) (Blank).

4 (b-1) Upon receiving a report of the conviction of any
5 violation indicating a person was operating a motor vehicle
6 during the time when the person's driver's license, permit or
7 privilege was suspended by the Secretary of State or the
8 driver's licensing administrator of another state, except as
9 specifically allowed by a probationary license, judicial
10 driving permit, restricted driving permit or monitoring device
11 driving permit the Secretary shall extend the suspension for
12 the same period of time as the originally imposed suspension
13 unless the suspension has already expired, in which case the
14 Secretary shall be authorized to suspend the person's driving
15 privileges for the same period of time as the originally
16 imposed suspension.

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

1 during such period of revocation.

2 (b-3) (Blank).

3 (b-4) When the Secretary of State receives a report of a
4 conviction of any violation indicating a person was operating a
5 motor vehicle that was not equipped with an ignition interlock
6 device during a time when the person was prohibited from
7 operating a motor vehicle not equipped with such a device, the
8 Secretary shall not issue a driver's license to that person for
9 an additional period of one year from the date of the
10 conviction.

11 (b-5) Any person convicted of violating this Section shall
12 serve a minimum term of imprisonment of 30 consecutive days or
13 300 hours of community service when the person's driving
14 privilege was revoked or suspended as a result of a violation
15 of Section 9-3 of the Criminal Code of 1961 or the Criminal
16 Code of 2012, relating to the offense of reckless homicide, or
17 a similar provision of a law of another state. The court may
18 give credit toward the fulfillment of community service hours
19 for participation in activities and treatment as determined by
20 court services.

21 (b-6) Upon receiving a report of a first conviction of
22 operating a motor vehicle while the person's driver's license,
23 permit or privilege was revoked where the revocation was for a
24 violation of Section 9-3 of the Criminal Code of 1961 or the
25 Criminal Code of 2012 relating to the offense of reckless
26 homicide or a similar out-of-state offense, the Secretary shall

1 not issue a driver's license for an additional period of three
2 years from the date of such conviction.

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

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

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

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

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

21 (c-1) Except as provided in subsections (c-5) and (d), any
22 person convicted of a second violation of this Section shall be
23 ordered by the court to serve a minimum of 100 hours of
24 community service. The court may give credit toward the
25 fulfillment of community service hours for participation in
26 activities and treatment as determined by court services.

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

4 (1) Seizure of the license plates of the person's
5 vehicle.

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

8 (c-3) Any person convicted of a violation of this Section
9 during a period of summary suspension imposed pursuant to
10 Section 11-501.1 when the person was eligible for a MDDP shall
11 be guilty of a Class 4 felony and shall serve a minimum term of
12 imprisonment of 30 days.

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

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

25 (1) the current violation occurred when the person's
26 driver's license was suspended or revoked for a violation

1 of Section 9-3 of the Criminal Code of 1961 or the Criminal
2 Code of 2012, relating to the offense of reckless homicide,
3 or a similar out-of-state offense; and

4 (2) the prior conviction under this Section occurred
5 while the person's driver's license was suspended or
6 revoked for a violation of Section 9-3 of the Criminal Code
7 of 1961 or the Criminal Code of 2012 relating to the
8 offense of reckless homicide, or a similar out-of-state
9 offense, or was suspended or revoked for a violation of
10 Section 11-401 or 11-501 of this Code, a similar
11 out-of-state offense, a similar provision of a local
12 ordinance, or a statutory summary suspension or revocation
13 under Section 11-501.1 of this Code.

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

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

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

1 Code, a similar out-of-state offense, a similar provision
2 of a local ordinance, or a statutory summary suspension or
3 revocation under Section 11-501.1 of this Code, or for a
4 violation of Section 9-3 of the Criminal Code of 1961 or
5 the Criminal Code of 2012, relating to the offense of
6 reckless homicide, or a similar out-of-state offense.

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

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

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

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

26 (2) the prior convictions under this Section occurred

1 while the person's driver's license was suspended or
2 revoked for a violation of Section 11-401 or 11-501 of this
3 Code, a similar out-of-state offense, a similar provision
4 of a local ordinance, or a statutory summary suspension or
5 revocation under Section 11-501.1 of this Code, or for a
6 violation of Section 9-3 of the Criminal Code of 1961 or
7 the Criminal Code of 2012, relating to the offense of
8 reckless homicide, or a similar out-of-state offense.

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

13 (1) the current violation occurred while the person's
14 driver's license was suspended or revoked for a violation
15 of Section 9-3 of the Criminal Code of 1961 or the Criminal
16 Code of 2012, relating to the offense of reckless homicide,
17 or a similar out-of-state offense. The person's driving
18 privileges shall be revoked for the remainder of the
19 person's life; and

20 (2) the prior convictions under this Section occurred
21 while the person's driver's license was suspended or
22 revoked for a violation of Section 9-3 of the Criminal Code
23 of 1961 or the Criminal Code of 2012, relating to the
24 offense of reckless homicide, or a similar out-of-state
25 offense, or was suspended or revoked for a violation of
26 Section 11-401 or 11-501 of this Code, a similar

1 out-of-state offense, a similar provision of a local
2 ordinance, or a statutory summary suspension or revocation
3 under Section 11-501.1 of this Code.

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

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

14 (2) the prior convictions under this Section occurred
15 while the person's driver's license was suspended or
16 revoked for a violation of Section 11-401 or 11-501 of this
17 Code, a similar out-of-state offense, a similar provision
18 of a local ordinance, or a statutory summary suspension or
19 revocation under Section 11-501.1 of this Code, or for a
20 violation of Section 9-3 of the Criminal Code of 1961 or
21 the Criminal Code of 2012, relating to the offense of
22 reckless homicide, or a similar out-of-state offense.

23 (d-3.5) Any person convicted of a fourth or subsequent
24 violation of this Section is guilty of a Class 1 felony, is not
25 eligible for probation or conditional discharge, and must serve
26 a mandatory term of imprisonment, and is eligible for an

1 extended term, if:

2 (1) the current violation occurred when the person's
3 driver's license was suspended or revoked for a violation
4 of Section 9-3 of the Criminal Code of 1961 or the Criminal
5 Code of 2012, relating to the offense of reckless homicide,
6 or a similar out-of-state offense; and

7 (2) the prior convictions under this Section occurred
8 while the person's driver's license was suspended or
9 revoked for a violation of Section 9-3 of the Criminal Code
10 of 1961 or the Criminal Code of 2012, relating to the
11 offense of reckless homicide, or a similar out-of-state
12 offense, or was suspended or revoked for a violation of
13 Section 11-401 or 11-501 of this Code, a similar
14 out-of-state offense, a similar provision of a local
15 ordinance, or a statutory summary suspension or revocation
16 under Section 11-501.1 of this Code.

17 (d-4) Any person convicted of a tenth, eleventh, twelfth,
18 thirteenth, or fourteenth violation of this Section is guilty
19 of a Class 3 felony, and is not eligible for probation or
20 conditional discharge, if:

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

1 (2) the prior convictions under this Section occurred
2 while the person's driver's license was suspended or
3 revoked for a violation of Section 11-401 or 11-501 of this
4 Code, a similar out-of-state offense, a similar provision
5 of a local ordinance, or a statutory suspension or
6 revocation under Section 11-501.1 of this Code, or for a
7 violation of Section 9-3 of the Criminal Code of 1961 or
8 the Criminal Code of 2012, relating to the offense of
9 reckless homicide, or a similar out-of-state offense.

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

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

19 (2) the prior convictions under this Section occurred
20 while the person's driver's license was suspended or
21 revoked for a violation of Section 11-401 or 11-501 of this
22 Code, a similar out-of-state offense, a similar provision
23 of a local ordinance, or a statutory summary suspension or
24 revocation under Section 11-501.1 of this Code, or for a
25 violation of Section 9-3 of the Criminal Code of 1961 or
26 the Criminal Code of 2012, relating to the offense of

1 reckless homicide, or a similar out-of-state offense.

2 (e) Any person in violation of this Section who is also in
3 violation of Section 7-601 of this Code relating to mandatory
4 insurance requirements, in addition to other penalties imposed
5 under this Section, shall have his or her motor vehicle
6 immediately impounded by the arresting law enforcement
7 officer. The motor vehicle may be released to any licensed
8 driver upon a showing of proof of insurance for the vehicle
9 that was impounded and the notarized written consent for the
10 release by the vehicle owner.

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

14 (g) The motor vehicle used in a violation of this Section
15 is subject to seizure and forfeiture as provided in Sections
16 36-1 and 36-2 of the Criminal Code of 2012 if the person's
17 driving privilege was revoked or suspended as a result of:

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

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

24 (3) a statutory summary suspension or revocation under
25 Section 11-501.1 of this Code or a similar provision of a
26 law of another state; or

1 (4) a violation of Section 9-3 of the Criminal Code of
2 1961 or the Criminal Code of 2012 relating to the offense
3 of reckless homicide, or a similar provision of a law of
4 another state.

5 (Source: P.A. 98-285, eff. 1-1-14; 98-418, eff. 8-16-13;
6 98-573, eff. 8-27-13; 98-756, eff. 7-16-14; 99-290, eff.
7 1-1-16.)

8 (Text of Section after amendment by P.A. 100-149)

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

11 (a) Except as otherwise provided in subsection (a-5), any
12 person who drives or is in actual physical control of a motor
13 vehicle on any highway of this State at a time when such
14 person's driver's license, permit or privilege to do so or the
15 privilege to obtain a driver's license or permit is revoked or
16 suspended as provided by this Code or the law of another state,
17 except as may be specifically allowed by a judicial driving
18 permit issued prior to January 1, 2009, monitoring device
19 driving permit, family financial responsibility driving
20 permit, probationary license to drive, or a restricted driving
21 permit issued pursuant to this Code or under the law of another
22 state, shall be guilty of a Class A misdemeanor.

23 (a-3) A second or subsequent violation of subsection (a) of
24 this Section is a Class 4 felony if committed by a person whose
25 driving or operation of a motor vehicle is the proximate cause

1 of a motor vehicle accident that causes personal injury or
2 death to another. For purposes of this subsection, a personal
3 injury includes any Type A injury as indicated on the traffic
4 accident report completed by a law enforcement officer that
5 requires immediate professional attention in either a doctor's
6 office or a medical facility. A Type A injury includes severe
7 bleeding wounds, distorted extremities, and injuries that
8 require the injured party to be carried from the scene.

9 (a-5) Any person who violates this Section as provided in
10 subsection (a) while his or her driver's license, permit or
11 privilege is revoked because of a violation of Section 9-3 of
12 the Criminal Code of 1961 or the Criminal Code of 2012,
13 relating to the offense of reckless homicide, or a violation of
14 subparagraph (F) of paragraph (1) of subsection (d) of Section
15 11-501 of this Code, relating to the offense of aggravated
16 driving under the influence of alcohol, other drug or drugs, or
17 intoxicating compound or compounds, or any combination thereof
18 when the violation was a proximate cause of a death, or a
19 similar provision of a law of another state, is guilty of a
20 Class 4 felony. The person shall be required to undergo a
21 professional evaluation, as provided in Section 11-501 of this
22 Code, to determine if an alcohol, drug, or intoxicating
23 compound problem exists and the extent of the problem, and to
24 undergo the imposition of treatment as appropriate.

25 (a-10) A person's driver's license, permit, or privilege to
26 obtain a driver's license or permit may be subject to multiple

1 revocations, multiple suspensions, or any combination of both
2 simultaneously. No revocation or suspension shall serve to
3 negate, invalidate, cancel, postpone, or in any way lessen the
4 effect of any other revocation or suspension entered prior or
5 subsequent to any other revocation or suspension.

6 (b) (Blank).

7 (b-1) Upon receiving a report of the conviction of any
8 violation indicating a person was operating a motor vehicle
9 during the time when the person's driver's license, permit or
10 privilege was suspended by the Secretary of State or the
11 driver's licensing administrator of another state, except as
12 specifically allowed by a probationary license, judicial
13 driving permit, restricted driving permit or monitoring device
14 driving permit the Secretary shall extend the suspension for
15 the same period of time as the originally imposed suspension
16 unless the suspension has already expired, in which case the
17 Secretary shall be authorized to suspend the person's driving
18 privileges for the same period of time as the originally
19 imposed suspension.

20 (b-2) Except as provided in subsection (b-6), upon
21 receiving a report of the conviction of any violation
22 indicating a person was operating a motor vehicle when the
23 person's driver's license, permit or privilege was revoked by
24 the Secretary of State or the driver's license administrator of
25 any other state, except as specifically allowed by a restricted
26 driving permit issued pursuant to this Code or the law of

1 another state, the Secretary shall not issue a driver's license
2 for an additional period of one year from the date of such
3 conviction indicating such person was operating a vehicle
4 during such period of revocation.

5 (b-3) (Blank).

6 (b-4) When the Secretary of State receives a report of a
7 conviction of any violation indicating a person was operating a
8 motor vehicle that was not equipped with an ignition interlock
9 device during a time when the person was prohibited from
10 operating a motor vehicle not equipped with such a device, the
11 Secretary shall not issue a driver's license to that person for
12 an additional period of one year from the date of the
13 conviction.

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

1 service hours for participation in activities and treatment as
2 determined by court services.

3 (b-6) Upon receiving a report of a first conviction of
4 operating a motor vehicle while the person's driver's license,
5 permit or privilege was revoked where the revocation was for a
6 violation of Section 9-3 of the Criminal Code of 1961 or the
7 Criminal Code of 2012 relating to the offense of reckless
8 homicide, or a violation of subparagraph (F) of paragraph (1)
9 of subsection (d) of Section 11-501 of this Code, relating to
10 the offense of aggravated driving under the influence of
11 alcohol, other drug or drugs, or intoxicating compound or
12 compounds, or any combination thereof when the violation was a
13 proximate cause of a death, or a similar out-of-state offense,
14 the Secretary shall not issue a driver's license for an
15 additional period of three years from the date of such
16 conviction.

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

22 (1) a violation of Section 11-501 of this Code or a
23 similar provision of a local ordinance relating to the
24 offense of operating or being in physical control of a
25 vehicle while under the influence of alcohol, any other
26 drug or any combination thereof; or

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

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

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

9 (c-1) Except as provided in subsections (c-5) and (d), any
10 person convicted of a second violation of this Section shall be
11 ordered by the court to serve a minimum of 100 hours of
12 community service. The court may give credit toward the
13 fulfillment of community service hours for participation in
14 activities and treatment as determined by court services.

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

18 (1) Seizure of the license plates of the person's
19 vehicle.

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

22 (c-3) Any person convicted of a violation of this Section
23 during a period of summary suspension imposed pursuant to
24 Section 11-501.1 when the person was eligible for a MDDP shall
25 be guilty of a Class 4 felony and shall serve a minimum term of
26 imprisonment of 30 days.

1 (c-4) Any person who has been issued a MDDP or a restricted
2 driving permit which requires the person to operate only motor
3 vehicles equipped with an ignition interlock device and who is
4 convicted of a violation of this Section as a result of
5 operating or being in actual physical control of a motor
6 vehicle not equipped with an ignition interlock device at the
7 time of the offense shall be guilty of a Class 4 felony and
8 shall serve a minimum term of imprisonment of 30 days.

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

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

24 (2) the prior conviction under this Section occurred
25 while the person's driver's license was suspended or
26 revoked for a violation of Section 9-3 of the Criminal Code

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

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

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

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

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

13 (3) The court may give credit toward the fulfillment of
14 community service hours for participation in activities
15 and treatment as determined by court services.

16 (d-1) Except as provided in subsections (d-2), (d-2.5), and
17 (d-3), any person convicted of a third or subsequent violation
18 of this Section shall serve a minimum term of imprisonment of
19 30 days or 300 hours of community service, as determined by the
20 court. The court may give credit toward the fulfillment of
21 community service hours for participation in activities and
22 treatment as determined by court services.

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

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

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

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

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

25 (1) the current violation occurred while the person's
26 driver's license was suspended or revoked for a violation

1 of Section 9-3 of the Criminal Code of 1961 or the Criminal
2 Code of 2012, relating to the offense of reckless homicide,
3 or a violation of subparagraph (F) of paragraph (1) of
4 subsection (d) of Section 11-501 of this Code, relating to
5 the offense of aggravated driving under the influence of
6 alcohol, other drug or drugs, or intoxicating compound or
7 compounds, or any combination thereof when the violation
8 was a proximate cause of a death, or a similar out-of-state
9 offense. The person's driving privileges shall be revoked
10 for the remainder of the person's life; and

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

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

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

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

26 (d-3.5) Any person convicted of a fourth or subsequent

1 violation of this Section is guilty of a Class 1 felony, is not
2 eligible for probation or conditional discharge, and must serve
3 a mandatory term of imprisonment, and is eligible for an
4 extended term, if:

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

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

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

6 (d-4) Any person convicted of a tenth, eleventh, twelfth,
7 thirteenth, or fourteenth violation of this Section is guilty
8 of a Class 3 felony, and is not eligible for probation or
9 conditional discharge, if:

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

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

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

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

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

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

1 thereof when the violation was a proximate cause of a
2 death, or a similar out-of-state offense.

3 (e) Any person in violation of this Section who is also in
4 violation of Section 7-601 of this Code relating to mandatory
5 insurance requirements, in addition to other penalties imposed
6 under this Section, shall have his or her motor vehicle
7 immediately impounded by the arresting law enforcement
8 officer. The motor vehicle may be released to any licensed
9 driver upon a showing of proof of insurance for the vehicle
10 that was impounded and the notarized written consent for the
11 release by the vehicle owner.

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

15 (g) The motor vehicle used in a violation of this Section
16 is subject to seizure and forfeiture as provided in Sections
17 36-1 and 36-2 of the Criminal Code of 2012 if the person's
18 driving privilege was revoked or suspended as a result of:

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

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

25 (3) a statutory summary suspension or revocation under
26 Section 11-501.1 of this Code or a similar provision of a

1 law of another state; or

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

11 (Source: P.A. 99-290, eff. 1-1-16; 100-149, eff. 1-1-18.)

12 Section 15. The Cannabis Control Act is amended by changing
13 Section 10 as follows:

14 (720 ILCS 550/10) (from Ch. 56 1/2, par. 710)

15 (Text of Section before amendment by P.A. 100-3)

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

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

6 (c) The conditions of probation shall be that the person:
7 (1) not violate any criminal statute of any jurisdiction; (2)
8 refrain from possession of a firearm or other dangerous weapon;
9 (3) submit to periodic drug testing at a time and in a manner
10 as ordered by the court, but no less than 3 times during the
11 period of the probation, with the cost of the testing to be
12 paid by the probationer; and (4) perform no less than 30 hours
13 of community service, provided community service is available
14 in the jurisdiction and is funded and approved by the county
15 board. The court may give credit toward the fulfillment of
16 community service hours for participation in activities and
17 treatment as determined by court services.

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

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

24 (2) pay a fine and costs;

25 (3) work or pursue a course of study or vocational
26 training;

1 (4) undergo medical or psychiatric treatment; or
2 treatment for drug addiction or alcoholism;

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

5 (6) support his dependents;

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

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

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

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

17 (ii) attend school;

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

19 (iv) contribute to his own support at home or in a
20 foster home.

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

24 (f) Upon fulfillment of the terms and conditions of
25 probation, the court shall discharge such person and dismiss
26 the proceedings against him.

1 (g) A disposition of probation is considered to be a
2 conviction for the purposes of imposing the conditions of
3 probation and for appeal, however, discharge and dismissal
4 under this Section is not a conviction for purposes of
5 disqualification or disabilities imposed by law upon
6 conviction of a crime (including the additional penalty imposed
7 for subsequent offenses under Section 4(c), 4(d), 5(c) or 5(d)
8 of this Act).

9 (h) Discharge and dismissal under this Section, Section 410
10 of the Illinois Controlled Substances Act, Section 70 of the
11 Methamphetamine Control and Community Protection Act, Section
12 5-6-3.3 or 5-6-3.4 of the Unified Code of Corrections, or
13 subsection (c) of Section 11-14 of the Criminal Code of 1961 or
14 the Criminal Code of 2012 may occur only once with respect to
15 any person.

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

23 (j) Notwithstanding subsection (a), before a person is
24 sentenced to probation under this Section, the court may refer
25 the person to the drug court established in that judicial
26 circuit pursuant to Section 15 of the Drug Court Treatment Act.

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

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

12 (Text of Section after amendment by P.A. 100-3)

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

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

1 (c) The conditions of probation shall be that the person:
2 (1) not violate any criminal statute of any jurisdiction; (2)
3 refrain from possession of a firearm or other dangerous weapon;
4 (3) submit to periodic drug testing at a time and in a manner
5 as ordered by the court, but no less than 3 times during the
6 period of the probation, with the cost of the testing to be
7 paid by the probationer; and (4) perform no less than 30 hours
8 of community service, provided community service is available
9 in the jurisdiction and is funded and approved by the county
10 board. The court may give credit toward the fulfillment of
11 community service hours for participation in activities and
12 treatment as determined by court services.

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

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

19 (2) pay a fine and costs;

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

22 (4) undergo medical or psychiatric treatment; or
23 treatment for drug addiction or alcoholism;

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

26 (6) support his dependents;

1 (7) refrain from possessing a firearm or other
2 dangerous weapon;

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

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

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

12 (ii) attend school;

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

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

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

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

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

1 conviction of a crime (including the additional penalty imposed
2 for subsequent offenses under Section 4(c), 4(d), 5(c) or 5(d)
3 of this Act).

4 (h) A person may not have more than one discharge and
5 dismissal under this Section within a 4-year period.

6 (i) If a person is convicted of an offense under this Act,
7 the Illinois Controlled Substances Act, or the Methamphetamine
8 Control and Community Protection Act within 5 years subsequent
9 to a discharge and dismissal under this Section, the discharge
10 and dismissal under this Section shall be admissible in the
11 sentencing proceeding for that conviction as a factor in
12 aggravation.

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

1 (Source: P.A. 99-480, eff. 9-9-15; 100-3, eff. 1-1-18.)

2 Section 20. The Illinois Controlled Substances Act is
3 amended by changing Section 410 as follows:

4 (720 ILCS 570/410) (from Ch. 56 1/2, par. 1410)

5 (Text of Section before amendment by P.A. 100-3)

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

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

21 (c) The conditions of probation shall be that the person:
22 (1) not violate any criminal statute of any jurisdiction; (2)
23 refrain from possessing a firearm or other dangerous weapon;
24 (3) submit to periodic drug testing at a time and in a manner

1 as ordered by the court, but no less than 3 times during the
2 period of the probation, with the cost of the testing to be
3 paid by the probationer; and (4) perform no less than 30 hours
4 of community service, provided community service is available
5 in the jurisdiction and is funded and approved by the county
6 board. The court may give credit toward the fulfillment of
7 community service hours for participation in activities and
8 treatment as determined by court services.

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

11 (1) make a report to and appear in person before or
12 participate with the court or such courts, person, or
13 social service agency as directed by the court in the order
14 of probation;

15 (2) pay a fine and costs;

16 (3) work or pursue a course of study or vocational
17 training;

18 (4) undergo medical or psychiatric treatment; or
19 treatment or rehabilitation approved by the Illinois
20 Department of Human Services;

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

23 (6) support his or her dependents;

24 (6-5) refrain from having in his or her body the
25 presence of any illicit drug prohibited by the Cannabis
26 Control Act, the Illinois Controlled Substances Act, or the

1 Methamphetamine Control and Community Protection Act,
2 unless prescribed by a physician, and submit samples of his
3 or her blood or urine or both for tests to determine the
4 presence of any illicit drug;

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

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

8 (ii) attend school;

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

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

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

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

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

24 (h) There may be only one discharge and dismissal under
25 this Section, Section 10 of the Cannabis Control Act, Section
26 70 of the Methamphetamine Control and Community Protection Act,

1 Section 5-6-3.3 or 5-6-3.4 of the Unified Code of Corrections,
2 or subsection (c) of Section 11-14 of the Criminal Code of 1961
3 or the Criminal Code of 2012 with respect to any person.

4 (i) If a person is convicted of an offense under this Act,
5 the Cannabis Control Act, or the Methamphetamine Control and
6 Community Protection Act within 5 years subsequent to a
7 discharge and dismissal under this Section, the discharge and
8 dismissal under this Section shall be admissible in the
9 sentencing proceeding for that conviction as evidence in
10 aggravation.

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

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

1 (Text of Section after amendment by P.A. 100-3)

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

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

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

1 treatment as determined by court services.

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

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

8 (2) pay a fine and costs;

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

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

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

16 (6) support his or her dependents;

17 (6-5) refrain from having in his or her body the
18 presence of any illicit drug prohibited by the Cannabis
19 Control Act, the Illinois Controlled Substances Act, or the
20 Methamphetamine Control and Community Protection Act,
21 unless prescribed by a physician, and submit samples of his
22 or her blood or urine or both for tests to determine the
23 presence of any illicit drug;

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

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

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

5 (e) Upon violation of a term or condition of probation, the

6 court may enter a judgment on its original finding of guilt and

7 proceed as otherwise provided.

8 (f) Upon fulfillment of the terms and conditions of

9 probation, the court shall discharge the person and dismiss the

10 proceedings against him or her.

11 (g) A disposition of probation is considered to be a

12 conviction for the purposes of imposing the conditions of

13 probation and for appeal, however, discharge and dismissal

14 under this Section is not a conviction for purposes of this Act

15 or for purposes of disqualifications or disabilities imposed by

16 law upon conviction of a crime.

17 (h) A person may not have more than one discharge and

18 dismissal under this Section within a 4-year period.

19 (i) If a person is convicted of an offense under this Act,

20 the Cannabis Control Act, or the Methamphetamine Control and

21 Community Protection Act within 5 years subsequent to a

22 discharge and dismissal under this Section, the discharge and

23 dismissal under this Section shall be admissible in the

24 sentencing proceeding for that conviction as evidence in

25 aggravation.

26 (j) Notwithstanding subsection (a), before a person is

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

14 (Source: P.A. 99-480, eff. 9-9-15; 100-3, eff. 1-1-18.)

15 Section 25. The Methamphetamine Control and Community
16 Protection Act is amended by changing Section 70 as follows:

17 (720 ILCS 646/70)

18 (Text of Section before amendment by P.A. 100-3)

19 Sec. 70. Probation.

20 (a) Whenever any person who has not previously been
21 convicted of, or placed on probation or court supervision for
22 any offense under this Act, the Illinois Controlled Substances
23 Act, the Cannabis Control Act, or any law of the United States
24 or of any state relating to cannabis or controlled substances,

1 pleads guilty to or is found guilty of possession of less than
2 15 grams of methamphetamine under paragraph (1) or (2) of
3 subsection (b) of Section 60 of this Act, the court, without
4 entering a judgment and with the consent of the person, may
5 sentence him or her to probation.

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

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

12 (1) not violate any criminal statute of any
13 jurisdiction;

14 (2) refrain from possessing a firearm or other
15 dangerous weapon;

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

20 (4) perform no less than 30 hours of community service,
21 if community service is available in the jurisdiction and
22 is funded and approved by the county board. The court may
23 give credit toward the fulfillment of community service
24 hours for participation in activities and treatment as
25 determined by court services.

26 (d) The court may, in addition to other conditions, require

1 that the person take one or more of the following actions:

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

6 (2) pay a fine and costs;

7 (3) work or pursue a course of study or vocational
8 training;

9 (4) undergo medical or psychiatric treatment; or
10 treatment or rehabilitation approved by the Illinois
11 Department of Human Services;

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

14 (6) support his or her dependents;

15 (7) refrain from having in his or her body the presence
16 of any illicit drug prohibited by this Act, the Cannabis
17 Control Act, or the Illinois Controlled Substances Act,
18 unless prescribed by a physician, and submit samples of his
19 or her blood or urine or both for tests to determine the
20 presence of any illicit drug; or

21 (8) if a minor:

22 (i) reside with his or her parents or in a foster
23 home;

24 (ii) attend school;

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

26 or

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

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

6 (f) Upon fulfillment of the terms and conditions of
7 probation, the court shall discharge the person and dismiss the
8 proceedings against the person.

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

15 (h) There may be only one discharge and dismissal under
16 this Section, Section 410 of the Illinois Controlled Substances
17 Act, Section 10 of the Cannabis Control Act, Section 5-6-3.3 or
18 5-6-3.4 of the Unified Code of Corrections, or subsection (c)
19 of Section 11-14 of the Criminal Code of 1961 or the Criminal
20 Code of 2012 with respect to any person.

21 (i) If a person is convicted of an offense under this Act,
22 the Cannabis Control Act, or the Illinois Controlled Substances
23 Act within 5 years subsequent to a discharge and dismissal
24 under this Section, the discharge and dismissal under this
25 Section are admissible in the sentencing proceeding for that
26 conviction as evidence in aggravation.

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

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

16 (Text of Section after amendment by P.A. 100-3)

17 Sec. 70. Probation.

18 (a) Whenever any person who has not previously been
19 convicted of any felony offense under this Act, the Illinois
20 Controlled Substances Act, the Cannabis Control Act, or any law
21 of the United States or of any state relating to cannabis or
22 controlled substances, pleads guilty to or is found guilty of
23 possession of less than 15 grams of methamphetamine under
24 paragraph (1) or (2) of subsection (b) of Section 60 of this
25 Act, the court, without entering a judgment and with the

1 consent of the person, may sentence him or her to probation.

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

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

8 (1) not violate any criminal statute of any
9 jurisdiction;

10 (2) refrain from possessing a firearm or other
11 dangerous weapon;

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

16 (4) perform no less than 30 hours of community service,
17 if community service is available in the jurisdiction and
18 is funded and approved by the county board. The court may
19 give credit toward the fulfillment of community service
20 hours for participation in activities and treatment as
21 determined by court services.

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

24 (1) make a report to and appear in person before or
25 participate with the court or such courts, person, or
26 social service agency as directed by the court in the order

1 of probation;

2 (2) pay a fine and costs;

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

5 (4) undergo medical or psychiatric treatment; or
6 treatment or rehabilitation approved by the Illinois
7 Department of Human Services;

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

10 (6) support his or her dependents;

11 (7) refrain from having in his or her body the presence
12 of any illicit drug prohibited by this Act, the Cannabis
13 Control Act, or the Illinois Controlled Substances Act,
14 unless prescribed by a physician, and submit samples of his
15 or her blood or urine or both for tests to determine the
16 presence of any illicit drug; or

17 (8) if a minor:

18 (i) reside with his or her parents or in a foster
19 home;

20 (ii) attend school;

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

22 or

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

25 (e) Upon violation of a term or condition of probation, the
26 court may enter a judgment on its original finding of guilt and

1 proceed as otherwise provided.

2 (f) Upon fulfillment of the terms and conditions of
3 probation, the court shall discharge the person and dismiss the
4 proceedings against the person.

5 (g) A disposition of probation is considered to be a
6 conviction for the purposes of imposing the conditions of
7 probation and for appeal, however, discharge and dismissal
8 under this Section is not a conviction for purposes of this Act
9 or for purposes of disqualifications or disabilities imposed by
10 law upon conviction of a crime.

11 (h) A person may not have more than one discharge and
12 dismissal under this Section within a 4-year period.

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

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

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

7 (Source: P.A. 99-480, eff. 9-9-15; 100-3, eff. 1-1-18.)

8 Section 30. The Unified Code of Corrections is amended by
9 changing Sections 3-6-3, 3-14-2, 5-5-3, 5-6-3, 5-6-3.3,
10 5-6-3.4, and 5-8A-3 and by adding Section 5-8A-4.2 as follows:

11 (730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)

12 (Text of Section from P.A. 99-642)

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

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

18 (1.5) As otherwise provided by law, sentence credit may be
19 awarded for the following:

20 (A) successful completion of programming while in
21 custody of the Department or while in custody prior to
22 sentencing;

23 (B) compliance with the rules and regulations of the
24 Department; or

1 (C) service to the institution, service to a community,
2 or service to the State.

3 (2) The rules and regulations on sentence credit shall
4 provide, with respect to offenses listed in clause (i), (ii),
5 or (iii) of this paragraph (2) committed on or after June 19,
6 1998 or with respect to the offense listed in clause (iv) of
7 this paragraph (2) committed on or after June 23, 2005 (the
8 effective date of Public Act 94-71) or with respect to offense
9 listed in clause (vi) committed on or after June 1, 2008 (the
10 effective date of Public Act 95-625) or with respect to the
11 offense of being an armed habitual criminal committed on or
12 after August 2, 2005 (the effective date of Public Act 94-398)
13 or with respect to the offenses listed in clause (v) of this
14 paragraph (2) committed on or after August 13, 2007 (the
15 effective date of Public Act 95-134) or with respect to the
16 offense of aggravated domestic battery committed on or after
17 July 23, 2010 (the effective date of Public Act 96-1224) or
18 with respect to the offense of attempt to commit terrorism
19 committed on or after January 1, 2013 (the effective date of
20 Public Act 97-990), the following:

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

25 (ii) that a prisoner serving a sentence for attempt to
26 commit terrorism, attempt to commit first degree murder,

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

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

26 (iv) that a prisoner serving a sentence for aggravated

1 discharge of a firearm, whether or not the conduct leading
2 to conviction for the offense resulted in great bodily harm
3 to the victim, shall receive no more than 4.5 days of
4 sentence credit for each month of his or her sentence of
5 imprisonment;

6 (v) that a person serving a sentence for gunrunning,
7 narcotics racketeering, controlled substance trafficking,
8 methamphetamine trafficking, drug-induced homicide,
9 aggravated methamphetamine-related child endangerment,
10 money laundering pursuant to clause (c) (4) or (5) of
11 Section 29B-1 of the Criminal Code of 1961 or the Criminal
12 Code of 2012, or a Class X felony conviction for delivery
13 of a controlled substance, possession of a controlled
14 substance with intent to manufacture or deliver,
15 calculated criminal drug conspiracy, criminal drug
16 conspiracy, street gang criminal drug conspiracy,
17 participation in methamphetamine manufacturing, aggravated
18 participation in methamphetamine manufacturing, delivery
19 of methamphetamine, possession with intent to deliver
20 methamphetamine, aggravated delivery of methamphetamine,
21 aggravated possession with intent to deliver
22 methamphetamine, methamphetamine conspiracy when the
23 substance containing the controlled substance or
24 methamphetamine is 100 grams or more shall receive no more
25 than 7.5 days sentence credit for each month of his or her
26 sentence of imprisonment;

1 (vi) that a prisoner serving a sentence for a second or
2 subsequent offense of luring a minor shall receive no more
3 than 4.5 days of sentence credit for each month of his or
4 her sentence of imprisonment; and

5 (vii) that a prisoner serving a sentence for aggravated
6 domestic battery shall receive no more than 4.5 days of
7 sentence credit for each month of his or her sentence of
8 imprisonment.

9 (2.1) For all offenses, other than those enumerated in
10 subdivision (a)(2)(i), (ii), or (iii) committed on or after
11 June 19, 1998 or subdivision (a)(2)(iv) committed on or after
12 June 23, 2005 (the effective date of Public Act 94-71) or
13 subdivision (a)(2)(v) committed on or after August 13, 2007
14 (the effective date of Public Act 95-134) or subdivision
15 (a)(2)(vi) committed on or after June 1, 2008 (the effective
16 date of Public Act 95-625) or subdivision (a)(2)(vii) committed
17 on or after July 23, 2010 (the effective date of Public Act
18 96-1224), and other than the offense of aggravated driving
19 under the influence of alcohol, other drug or drugs, or
20 intoxicating compound or compounds, or any combination thereof
21 as defined in subparagraph (F) of paragraph (1) of subsection
22 (d) of Section 11-501 of the Illinois Vehicle Code, and other
23 than the offense of aggravated driving under the influence of
24 alcohol, other drug or drugs, or intoxicating compound or
25 compounds, or any combination thereof as defined in
26 subparagraph (C) of paragraph (1) of subsection (d) of Section

1 11-501 of the Illinois Vehicle Code committed on or after
2 January 1, 2011 (the effective date of Public Act 96-1230), the
3 rules and regulations shall provide that a prisoner who is
4 serving a term of imprisonment shall receive one day of
5 sentence credit for each day of his or her sentence of
6 imprisonment or recommitment under Section 3-3-9. Each day of
7 sentence credit shall reduce by one day the prisoner's period
8 of imprisonment or recommitment under Section 3-3-9.

9 (2.2) A prisoner serving a term of natural life
10 imprisonment or a prisoner who has been sentenced to death
11 shall receive no sentence credit.

12 (2.3) The rules and regulations on sentence credit shall
13 provide that a prisoner who is serving a sentence for
14 aggravated driving under the influence of alcohol, other drug
15 or drugs, or intoxicating compound or compounds, or any
16 combination thereof as defined in subparagraph (F) of paragraph
17 (1) of subsection (d) of Section 11-501 of the Illinois Vehicle
18 Code, shall receive no more than 4.5 days of sentence credit
19 for each month of his or her sentence of imprisonment.

20 (2.4) The rules and regulations on sentence credit shall
21 provide with respect to the offenses of aggravated battery with
22 a machine gun or a firearm equipped with any device or
23 attachment designed or used for silencing the report of a
24 firearm or aggravated discharge of a machine gun or a firearm
25 equipped with any device or attachment designed or used for
26 silencing the report of a firearm, committed on or after July

1 15, 1999 (the effective date of Public Act 91-121), that a
2 prisoner serving a sentence for any of these offenses shall
3 receive no more than 4.5 days of sentence credit for each month
4 of his or her sentence of imprisonment.

5 (2.5) The rules and regulations on sentence credit shall
6 provide that a prisoner who is serving a sentence for
7 aggravated arson committed on or after July 27, 2001 (the
8 effective date of Public Act 92-176) shall receive no more than
9 4.5 days of sentence credit for each month of his or her
10 sentence of imprisonment.

11 (2.6) The rules and regulations on sentence credit shall
12 provide that a prisoner who is serving a sentence for
13 aggravated driving under the influence of alcohol, other drug
14 or drugs, or intoxicating compound or compounds or any
15 combination thereof as defined in subparagraph (C) of paragraph
16 (1) of subsection (d) of Section 11-501 of the Illinois Vehicle
17 Code committed on or after January 1, 2011 (the effective date
18 of Public Act 96-1230) shall receive no more than 4.5 days of
19 sentence credit for each month of his or her sentence of
20 imprisonment.

21 (3) The rules and regulations shall also provide that the
22 Director may award up to 180 days additional sentence credit
23 for good conduct in specific instances as the Director deems
24 proper. The good conduct may include, but is not limited to,
25 compliance with the rules and regulations of the Department,
26 service to the Department, service to a community, or service

1 to the State. However, the Director shall not award more than
2 90 days of sentence credit for good conduct to any prisoner who
3 is serving a sentence for conviction of first degree murder,
4 reckless homicide while under the influence of alcohol or any
5 other drug, or aggravated driving under the influence of
6 alcohol, other drug or drugs, or intoxicating compound or
7 compounds, or any combination thereof as defined in
8 subparagraph (F) of paragraph (1) of subsection (d) of Section
9 11-501 of the Illinois Vehicle Code, aggravated kidnapping,
10 kidnapping, predatory criminal sexual assault of a child,
11 aggravated criminal sexual assault, criminal sexual assault,
12 deviate sexual assault, aggravated criminal sexual abuse,
13 aggravated indecent liberties with a child, indecent liberties
14 with a child, child pornography, heinous battery as described
15 in Section 12-4.1 or subdivision (a)(2) of Section 12-3.05,
16 aggravated battery of a spouse, aggravated battery of a spouse
17 with a firearm, stalking, aggravated stalking, aggravated
18 battery of a child as described in Section 12-4.3 or
19 subdivision (b)(1) of Section 12-3.05, endangering the life or
20 health of a child, or cruelty to a child. Notwithstanding the
21 foregoing, sentence credit for good conduct shall not be
22 awarded on a sentence of imprisonment imposed for conviction
23 of: (i) one of the offenses enumerated in subdivision
24 (a)(2)(i), (ii), or (iii) when the offense is committed on or
25 after June 19, 1998 or subdivision (a)(2)(iv) when the offense
26 is committed on or after June 23, 2005 (the effective date of

1 Public Act 94-71) or subdivision (a) (2) (v) when the offense is
2 committed on or after August 13, 2007 (the effective date of
3 Public Act 95-134) or subdivision (a) (2) (vi) when the offense
4 is committed on or after June 1, 2008 (the effective date of
5 Public Act 95-625) or subdivision (a) (2) (vii) when the offense
6 is committed on or after July 23, 2010 (the effective date of
7 Public Act 96-1224), (ii) aggravated driving under the
8 influence of alcohol, other drug or drugs, or intoxicating
9 compound or compounds, or any combination thereof as defined in
10 subparagraph (F) of paragraph (1) of subsection (d) of Section
11 11-501 of the Illinois Vehicle Code, (iii) one of the offenses
12 enumerated in subdivision (a)(2.4) when the offense is
13 committed on or after July 15, 1999 (the effective date of
14 Public Act 91-121), (iv) aggravated arson when the offense is
15 committed on or after July 27, 2001 (the effective date of
16 Public Act 92-176), (v) offenses that may subject the offender
17 to commitment under the Sexually Violent Persons Commitment
18 Act, or (vi) aggravated driving under the influence of alcohol,
19 other drug or drugs, or intoxicating compound or compounds or
20 any combination thereof as defined in subparagraph (C) of
21 paragraph (1) of subsection (d) of Section 11-501 of the
22 Illinois Vehicle Code committed on or after January 1, 2011
23 (the effective date of Public Act 96-1230).

24 Eligible inmates for an award of sentence credit under this
25 paragraph (3) may be selected to receive the credit at the
26 Director's or his or her designee's sole discretion.

1 Consideration may be based on, but not limited to, any
2 available risk assessment analysis on the inmate, any history
3 of conviction for violent crimes as defined by the Rights of
4 Crime Victims and Witnesses Act, facts and circumstances of the
5 inmate's holding offense or offenses, and the potential for
6 rehabilitation.

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

14 (A) is eligible for the sentence credit;

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

17 (C) has met the eligibility criteria established by
18 rule.

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

21 (3.5) The Department shall provide annual written reports
22 to the Governor and the General Assembly on the award of
23 sentence credit for good conduct, with the first report due
24 January 1, 2014. The Department must publish both reports on
25 its website within 48 hours of transmitting the reports to the
26 Governor and the General Assembly. The reports must include:

1 (A) the number of inmates awarded sentence credit for
2 good conduct;

3 (B) the average amount of sentence credit for good
4 conduct awarded;

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

7 (D) the number of sentence credit for good conduct
8 revocations.

9 (4) The rules and regulations shall also provide that the
10 sentence credit accumulated and retained under paragraph (2.1)
11 of subsection (a) of this Section by any inmate during specific
12 periods of time in which such inmate is engaged full-time in
13 substance abuse programs, correctional industry assignments,
14 educational programs, behavior modification programs, life
15 skills courses, or re-entry planning provided by the Department
16 under this paragraph (4) and satisfactorily completes the
17 assigned program as determined by the standards of the
18 Department, shall be multiplied by a factor of 1.25 for program
19 participation before August 11, 1993 and 1.50 for program
20 participation on or after that date. The rules and regulations
21 shall also provide that sentence credit, subject to the same
22 offense limits and multiplier provided in this paragraph, may
23 be provided to an inmate who was held in pre-trial detention
24 prior to his or her current commitment to the Department of
25 Corrections and successfully completed a full-time, 60-day or
26 longer substance abuse program, educational program, behavior

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

1 (d) of Section 11-501 of the Illinois Vehicle Code committed on
2 or after January 1, 2011 (the effective date of Public Act
3 96-1230), or if convicted of an offense enumerated in paragraph
4 (a) (2.4) of this Section that is committed on or after July 15,
5 1999 (the effective date of Public Act 91-121), or first degree
6 murder, a Class X felony, criminal sexual assault, felony
7 criminal sexual abuse, aggravated criminal sexual abuse,
8 aggravated battery with a firearm as described in Section
9 12-4.2 or subdivision (e) (1), (e) (2), (e) (3), or (e) (4) of
10 Section 12-3.05, or any predecessor or successor offenses with
11 the same or substantially the same elements, or any inchoate
12 offenses relating to the foregoing offenses. No inmate shall be
13 eligible for the additional good conduct credit under this
14 paragraph (4) who (i) has previously received increased good
15 conduct credit under this paragraph (4) and has subsequently
16 been convicted of a felony, or (ii) has previously served more
17 than one prior sentence of imprisonment for a felony in an
18 adult correctional facility.

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

1 shall include data relating to the recidivism rate among
2 program participants.

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

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

1 has been made, the Department determines that the prisoner was
2 not eligible, then the award shall be revoked. The Department
3 may also award 90 days of sentence credit to any committed
4 person who passed high school equivalency testing while he or
5 she was held in pre-trial detention prior to the current
6 commitment to the Department of Corrections.

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

1 education class or attend substance abuse self-help meetings in
2 lieu of a substance abuse treatment program. A prisoner on a
3 waiting list who is not placed in a substance abuse program
4 prior to release may be eligible for a waiver and receive
5 sentence credit under clause (3) of this subsection (a) at the
6 discretion of the Director.

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

18 (5) Whenever the Department is to release any inmate
19 earlier than it otherwise would because of a grant of sentence
20 credit for good conduct under paragraph (3) of subsection (a)
21 of this Section given at any time during the term, the
22 Department shall give reasonable notice of the impending
23 release not less than 14 days prior to the date of the release
24 to the State's Attorney of the county where the prosecution of
25 the inmate took place, and if applicable, the State's Attorney
26 of the county into which the inmate will be released. The

1 Department must also make identification information and a
2 recent photo of the inmate being released accessible on the
3 Internet by means of a hyperlink labeled "Community
4 Notification of Inmate Early Release" on the Department's World
5 Wide Web homepage. The identification information shall
6 include the inmate's: name, any known alias, date of birth,
7 physical characteristics, commitment offense and county where
8 conviction was imposed. The identification information shall
9 be placed on the website within 3 days of the inmate's release
10 and the information may not be removed until either: completion
11 of the first year of mandatory supervised release or return of
12 the inmate to custody of the Department.

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

17 (c) The Department shall prescribe rules and regulations
18 for revoking sentence credit, including revoking sentence
19 credit awarded for good conduct under paragraph (3) of
20 subsection (a) of this Section. The Department shall prescribe
21 rules and regulations for suspending or reducing the rate of
22 accumulation of sentence credit for specific rule violations,
23 during imprisonment. These rules and regulations shall provide
24 that no inmate may be penalized more than one year of sentence
25 credit for any one infraction.

26 When the Department seeks to revoke, suspend or reduce the

1 rate of accumulation of any sentence credits for an alleged
2 infraction of its rules, it shall bring charges therefor
3 against the prisoner sought to be so deprived of sentence
4 credits before the Prisoner Review Board as provided in
5 subparagraph (a)(4) of Section 3-3-2 of this Code, if the
6 amount of credit at issue exceeds 30 days or when during any 12
7 month period, the cumulative amount of credit revoked exceeds
8 30 days except where the infraction is committed or discovered
9 within 60 days of scheduled release. In those cases, the
10 Department of Corrections may revoke up to 30 days of sentence
11 credit. The Board may subsequently approve the revocation of
12 additional sentence credit, if the Department seeks to revoke
13 sentence credit in excess of 30 days. However, the Board shall
14 not be empowered to review the Department's decision with
15 respect to the loss of 30 days of sentence credit within any
16 calendar year for any prisoner or to increase any penalty
17 beyond the length requested by the Department.

18 The Director of the Department of Corrections, in
19 appropriate cases, may restore up to 30 days of sentence
20 credits which have been revoked, suspended or reduced. Any
21 restoration of sentence credits in excess of 30 days shall be
22 subject to review by the Prisoner Review Board. However, the
23 Board may not restore sentence credit in excess of the amount
24 requested by the Director.

25 Nothing contained in this Section shall prohibit the
26 Prisoner Review Board from ordering, pursuant to Section

1 3-3-9(a) (3) (i) (B), that a prisoner serve up to one year of the
2 sentence imposed by the court that was not served due to the
3 accumulation of sentence credit.

4 (d) If a lawsuit is filed by a prisoner in an Illinois or
5 federal court against the State, the Department of Corrections,
6 or the Prisoner Review Board, or against any of their officers
7 or employees, and the court makes a specific finding that a
8 pleading, motion, or other paper filed by the prisoner is
9 frivolous, the Department of Corrections shall conduct a
10 hearing to revoke up to 180 days of sentence credit by bringing
11 charges against the prisoner sought to be deprived of the
12 sentence credits before the Prisoner Review Board as provided
13 in subparagraph (a) (8) of Section 3-3-2 of this Code. If the
14 prisoner has not accumulated 180 days of sentence credit at the
15 time of the finding, then the Prisoner Review Board may revoke
16 all sentence credit accumulated by the prisoner.

17 For purposes of this subsection (d):

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

22 (A) it lacks an arguable basis either in law or in
23 fact;

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

1 (C) the claims, defenses, and other legal
2 contentions therein are not warranted by existing law
3 or by a nonfrivolous argument for the extension,
4 modification, or reversal of existing law or the
5 establishment of new law;

6 (D) the allegations and other factual contentions
7 do not have evidentiary support or, if specifically so
8 identified, are not likely to have evidentiary support
9 after a reasonable opportunity for further
10 investigation or discovery; or

11 (E) the denials of factual contentions are not
12 warranted on the evidence, or if specifically so
13 identified, are not reasonably based on a lack of
14 information or belief.

15 (2) "Lawsuit" means a motion pursuant to Section 116-3
16 of the Code of Criminal Procedure of 1963, a habeas corpus
17 action under Article X of the Code of Civil Procedure or
18 under federal law (28 U.S.C. 2254), a petition for claim
19 under the Court of Claims Act, an action under the federal
20 Civil Rights Act (42 U.S.C. 1983), or a second or
21 subsequent petition for post-conviction relief under
22 Article 122 of the Code of Criminal Procedure of 1963
23 whether filed with or without leave of court or a second or
24 subsequent petition for relief from judgment under Section
25 2-1401 of the Code of Civil Procedure.

26 (e) Nothing in Public Act 90-592 or 90-593 affects the

1 validity of Public Act 89-404.

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

10 (Source: P.A. 99-241, eff. 1-1-16; 99-275, eff. 1-1-16; 99-642,
11 eff. 7-28-16; 100-3, eff. 1-1-18.)

12 (Text of Section from P.A. 99-938 and 100-3)

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

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

18 (1.5) As otherwise provided by law, sentence credit may be
19 awarded for the following:

20 (A) successful completion of programming while in
21 custody of the Department or while in custody prior to
22 sentencing;

23 (B) compliance with the rules and regulations of the
24 Department; or

25 (C) service to the institution, service to a community,

1 or service to the State.

2 (2) Except as provided in paragraph (4.7) of this
3 subsection (a), the rules and regulations on sentence credit
4 shall provide, with respect to offenses listed in clause (i),
5 (ii), or (iii) of this paragraph (2) committed on or after June
6 19, 1998 or with respect to the offense listed in clause (iv)
7 of this paragraph (2) committed on or after June 23, 2005 (the
8 effective date of Public Act 94-71) or with respect to offense
9 listed in clause (vi) committed on or after June 1, 2008 (the
10 effective date of Public Act 95-625) or with respect to the
11 offense of being an armed habitual criminal committed on or
12 after August 2, 2005 (the effective date of Public Act 94-398)
13 or with respect to the offenses listed in clause (v) of this
14 paragraph (2) committed on or after August 13, 2007 (the
15 effective date of Public Act 95-134) or with respect to the
16 offense of aggravated domestic battery committed on or after
17 July 23, 2010 (the effective date of Public Act 96-1224) or
18 with respect to the offense of attempt to commit terrorism
19 committed on or after January 1, 2013 (the effective date of
20 Public Act 97-990), the following:

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

25 (ii) that a prisoner serving a sentence for attempt to
26 commit terrorism, attempt to commit first degree murder,

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

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

26 (iv) that a prisoner serving a sentence for aggravated

1 discharge of a firearm, whether or not the conduct leading
2 to conviction for the offense resulted in great bodily harm
3 to the victim, shall receive no more than 4.5 days of
4 sentence credit for each month of his or her sentence of
5 imprisonment;

6 (v) that a person serving a sentence for gunrunning,
7 narcotics racketeering, controlled substance trafficking,
8 methamphetamine trafficking, drug-induced homicide,
9 aggravated methamphetamine-related child endangerment,
10 money laundering pursuant to clause (c) (4) or (5) of
11 Section 29B-1 of the Criminal Code of 1961 or the Criminal
12 Code of 2012, or a Class X felony conviction for delivery
13 of a controlled substance, possession of a controlled
14 substance with intent to manufacture or deliver,
15 calculated criminal drug conspiracy, criminal drug
16 conspiracy, street gang criminal drug conspiracy,
17 participation in methamphetamine manufacturing, aggravated
18 participation in methamphetamine manufacturing, delivery
19 of methamphetamine, possession with intent to deliver
20 methamphetamine, aggravated delivery of methamphetamine,
21 aggravated possession with intent to deliver
22 methamphetamine, methamphetamine conspiracy when the
23 substance containing the controlled substance or
24 methamphetamine is 100 grams or more shall receive no more
25 than 7.5 days sentence credit for each month of his or her
26 sentence of imprisonment;

1 (vi) that a prisoner serving a sentence for a second or
2 subsequent offense of luring a minor shall receive no more
3 than 4.5 days of sentence credit for each month of his or
4 her sentence of imprisonment; and

5 (vii) that a prisoner serving a sentence for aggravated
6 domestic battery shall receive no more than 4.5 days of
7 sentence credit for each month of his or her sentence of
8 imprisonment.

9 (2.1) For all offenses, other than those enumerated in
10 subdivision (a)(2)(i), (ii), or (iii) committed on or after
11 June 19, 1998 or subdivision (a)(2)(iv) committed on or after
12 June 23, 2005 (the effective date of Public Act 94-71) or
13 subdivision (a)(2)(v) committed on or after August 13, 2007
14 (the effective date of Public Act 95-134) or subdivision
15 (a)(2)(vi) committed on or after June 1, 2008 (the effective
16 date of Public Act 95-625) or subdivision (a)(2)(vii) committed
17 on or after July 23, 2010 (the effective date of Public Act
18 96-1224), and other than the offense of aggravated driving
19 under the influence of alcohol, other drug or drugs, or
20 intoxicating compound or compounds, or any combination thereof
21 as defined in subparagraph (F) of paragraph (1) of subsection
22 (d) of Section 11-501 of the Illinois Vehicle Code, and other
23 than the offense of aggravated driving under the influence of
24 alcohol, other drug or drugs, or intoxicating compound or
25 compounds, or any combination thereof as defined in
26 subparagraph (C) of paragraph (1) of subsection (d) of Section

1 11-501 of the Illinois Vehicle Code committed on or after
2 January 1, 2011 (the effective date of Public Act 96-1230), the
3 rules and regulations shall provide that a prisoner who is
4 serving a term of imprisonment shall receive one day of
5 sentence credit for each day of his or her sentence of
6 imprisonment or recommitment under Section 3-3-9. Each day of
7 sentence credit shall reduce by one day the prisoner's period
8 of imprisonment or recommitment under Section 3-3-9.

9 (2.2) A prisoner serving a term of natural life
10 imprisonment or a prisoner who has been sentenced to death
11 shall receive no sentence credit.

12 (2.3) Except as provided in paragraph (4.7) of this
13 subsection (a), the rules and regulations on sentence credit
14 shall provide that a prisoner who is serving a sentence for
15 aggravated driving under the influence of alcohol, other drug
16 or drugs, or intoxicating compound or compounds, or any
17 combination thereof as defined in subparagraph (F) of paragraph
18 (1) of subsection (d) of Section 11-501 of the Illinois Vehicle
19 Code, shall receive no more than 4.5 days of sentence credit
20 for each month of his or her sentence of imprisonment.

21 (2.4) Except as provided in paragraph (4.7) of this
22 subsection (a), the rules and regulations on sentence credit
23 shall provide with respect to the offenses of aggravated
24 battery with a machine gun or a firearm equipped with any
25 device or attachment designed or used for silencing the report
26 of a firearm or aggravated discharge of a machine gun or a

1 firearm equipped with any device or attachment designed or used
2 for silencing the report of a firearm, committed on or after
3 July 15, 1999 (the effective date of Public Act 91-121), that a
4 prisoner serving a sentence for any of these offenses shall
5 receive no more than 4.5 days of sentence credit for each month
6 of his or her sentence of imprisonment.

7 (2.5) Except as provided in paragraph (4.7) of this
8 subsection (a), the rules and regulations on sentence credit
9 shall provide that a prisoner who is serving a sentence for
10 aggravated arson committed on or after July 27, 2001 (the
11 effective date of Public Act 92-176) shall receive no more than
12 4.5 days of sentence credit for each month of his or her
13 sentence of imprisonment.

14 (2.6) Except as provided in paragraph (4.7) of this
15 subsection (a), the rules and regulations on sentence credit
16 shall provide that a prisoner who is serving a sentence for
17 aggravated driving under the influence of alcohol, other drug
18 or drugs, or intoxicating compound or compounds or any
19 combination thereof as defined in subparagraph (C) of paragraph
20 (1) of subsection (d) of Section 11-501 of the Illinois Vehicle
21 Code committed on or after January 1, 2011 (the effective date
22 of Public Act 96-1230) shall receive no more than 4.5 days of
23 sentence credit for each month of his or her sentence of
24 imprisonment.

25 (3) Except as provided in paragraph (4.7) of this
26 subsection (a), the rules and regulations shall also provide

1 that the Director may award up to 180 days of earned sentence
2 credit for good conduct in specific instances as the Director
3 deems proper. The good conduct may include, but is not limited
4 to, compliance with the rules and regulations of the
5 Department, service to the Department, service to a community,
6 or service to the State.

7 Eligible inmates for an award of earned sentence credit
8 under this paragraph (3) may be selected to receive the credit
9 at the Director's or his or her designee's sole discretion.
10 Eligibility for the additional earned sentence credit under
11 this paragraph (3) shall be based on, but is not limited to,
12 the results of any available risk/needs assessment or other
13 relevant assessments or evaluations administered by the
14 Department using a validated instrument, the circumstances of
15 the crime, any history of conviction for a forcible felony
16 enumerated in Section 2-8 of the Criminal Code of 2012, the
17 inmate's behavior and disciplinary history while incarcerated,
18 and the inmate's commitment to rehabilitation, including
19 participation in programming offered by the Department.

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

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

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

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

7 (C) has met the eligibility criteria established ~~under~~
8 ~~paragraph (4) of this subsection (a) and~~ by rule for earned
9 sentence credit.

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

12 (3.5) The Department shall provide annual written reports
13 to the Governor and the General Assembly on the award of earned
14 sentence credit no later than February 1 of each year. The
15 Department must publish both reports on its website within 48
16 hours of transmitting the reports to the Governor and the
17 General Assembly. The reports must include:

18 (A) the number of inmates awarded earned sentence
19 credit;

20 (B) the average amount of earned sentence credit
21 awarded;

22 (C) the holding offenses of inmates awarded earned
23 sentence credit; and

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

25 (4) Except as provided in paragraph (4.7) of this
26 subsection (a), the rules and regulations shall also provide

1 that in addition to the sentence credit accumulated and
2 retained under ~~paragraphs~~ paragraph (2.1) and (3) of subsection
3 (a) of this Section by any inmate during specific periods of
4 time in which such inmate is engaged full-time in substance
5 abuse programs, correctional industry assignments, educational
6 programs, behavior modification programs, life skills courses,
7 or re-entry planning provided by the Department under this
8 paragraph (4) and satisfactorily completes the assigned
9 program as determined by the standards of the Department, shall
10 be multiplied by a factor of 1.25 for program participation
11 before August 11, 1993 and 1.50 for program participation on or
12 after that date. The rules and regulations shall also provide
13 that sentence credit, subject to the same offense limits and
14 multiplier provided in this paragraph, may be provided to an
15 inmate who was held in pre-trial detention prior to his or her
16 current commitment to the Department of Corrections and
17 successfully completed a full-time, 60-day or longer substance
18 abuse program, educational program, behavior modification
19 program, life skills course, or re-entry planning provided by
20 the county department of corrections or county jail.
21 Calculation of this county program credit shall be done at
22 sentencing as provided in Section 5-4.5-100 of this Code and
23 shall be included in the sentencing order. However, no inmate
24 shall be eligible for the additional sentence credit under this
25 paragraph (4) or (4.1) of this subsection (a) while assigned to
26 a boot camp or electronic detention.

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

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

22 (4.1) Except as provided in paragraph (4.7) of this
23 subsection (a), the rules and regulations shall also provide
24 that an additional 90 days of sentence credit shall be awarded
25 to any prisoner who passes high school equivalency testing
26 while the prisoner is committed to the Department of

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

17 (4.5) The rules and regulations on sentence credit shall
18 also provide that when the court's sentencing order recommends
19 a prisoner for substance abuse treatment and the crime was
20 committed on or after September 1, 2003 (the effective date of
21 Public Act 93-354), the prisoner shall receive no sentence
22 credit awarded under clause (3) of this subsection (a) unless
23 he or she participates in and completes a substance abuse
24 treatment program. The Director may waive the requirement to
25 participate in or complete a substance abuse treatment program
26 in specific instances if the prisoner is not a good candidate

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

16 (4.6) The rules and regulations on sentence credit shall
17 also provide that a prisoner who has been convicted of a sex
18 offense as defined in Section 2 of the Sex Offender
19 Registration Act shall receive no sentence credit unless he or
20 she either has successfully completed or is participating in
21 sex offender treatment as defined by the Sex Offender
22 Management Board. However, prisoners who are waiting to receive
23 treatment, but who are unable to do so due solely to the lack
24 of resources on the part of the Department, may, at the
25 Director's sole discretion, be awarded sentence credit at a
26 rate as the Director shall determine.

1 (4.7) On or after the effective date of this amendatory Act
2 of the 100th General Assembly, sentence credit under paragraph
3 (3), (4), or (4.1) of this subsection (a) may be awarded to a
4 prisoner who is serving a sentence for an offense described in
5 paragraph (2), (2.3), (2.4), (2.5), or (2.6) for credit earned
6 on or after the effective date of this amendatory Act of the
7 100th General Assembly; provided, the award of the credits
8 under this paragraph (4.7) shall not reduce the sentence of the
9 prisoner to less than the following amounts:

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

12 (ii) 60% of his or her sentence if the prisoner is
13 required to serve 75% of his or her sentence, except if the
14 prisoner is serving a sentence for gunrunning his or her
15 sentence shall not be reduced to less than 75%.

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

19 (5) Whenever the Department is to release any inmate
20 earlier than it otherwise would because of a grant of earned
21 sentence credit under paragraph (3) of subsection (a) of this
22 Section given at any time during the term, the Department shall
23 give reasonable notice of the impending release not less than
24 14 days prior to the date of the release to the State's
25 Attorney of the county where the prosecution of the inmate took
26 place, and if applicable, the State's Attorney of the county

1 into which the inmate will be released. The Department must
2 also make identification information and a recent photo of the
3 inmate being released accessible on the Internet by means of a
4 hyperlink labeled "Community Notification of Inmate Early
5 Release" on the Department's World Wide Web homepage. The
6 identification information shall include the inmate's: name,
7 any known alias, date of birth, physical characteristics,
8 commitment offense and county where conviction was imposed. The
9 identification information shall be placed on the website
10 within 3 days of the inmate's release and the information may
11 not be removed until either: completion of the first year of
12 mandatory supervised release or return of the inmate to custody
13 of the Department.

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

18 (c) The Department shall prescribe rules and regulations
19 for revoking sentence credit, including revoking sentence
20 credit awarded under paragraph (3) of subsection (a) of this
21 Section. The Department shall prescribe rules and regulations
22 for suspending or reducing the rate of accumulation of sentence
23 credit for specific rule violations, during imprisonment.
24 These rules and regulations shall provide that no inmate may be
25 penalized more than one year of sentence credit for any one
26 infraction.

1 When the Department seeks to revoke, suspend or reduce the
2 rate of accumulation of any sentence credits for an alleged
3 infraction of its rules, it shall bring charges therefor
4 against the prisoner sought to be so deprived of sentence
5 credits before the Prisoner Review Board as provided in
6 subparagraph (a)(4) of Section 3-3-2 of this Code, if the
7 amount of credit at issue exceeds 30 days or when during any 12
8 month period, the cumulative amount of credit revoked exceeds
9 30 days except where the infraction is committed or discovered
10 within 60 days of scheduled release. In those cases, the
11 Department of Corrections may revoke up to 30 days of sentence
12 credit. The Board may subsequently approve the revocation of
13 additional sentence credit, if the Department seeks to revoke
14 sentence credit in excess of 30 days. However, the Board shall
15 not be empowered to review the Department's decision with
16 respect to the loss of 30 days of sentence credit within any
17 calendar year for any prisoner or to increase any penalty
18 beyond the length requested by the Department.

19 The Director of the Department of Corrections, in
20 appropriate cases, may restore up to 30 days of sentence
21 credits which have been revoked, suspended or reduced. Any
22 restoration of sentence credits in excess of 30 days shall be
23 subject to review by the Prisoner Review Board. However, the
24 Board may not restore sentence credit in excess of the amount
25 requested by the Director.

26 Nothing contained in this Section shall prohibit the

1 Prisoner Review Board from ordering, pursuant to Section
2 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the
3 sentence imposed by the court that was not served due to the
4 accumulation of sentence credit.

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

18 For purposes of this subsection (d):

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

23 (A) it lacks an arguable basis either in law or in
24 fact;

25 (B) it is being presented for any improper purpose,
26 such as to harass or to cause unnecessary delay or

1 needless increase in the cost of litigation;

2 (C) the claims, defenses, and other legal
3 contentions therein are not warranted by existing law
4 or by a nonfrivolous argument for the extension,
5 modification, or reversal of existing law or the
6 establishment of new law;

7 (D) the allegations and other factual contentions
8 do not have evidentiary support or, if specifically so
9 identified, are not likely to have evidentiary support
10 after a reasonable opportunity for further
11 investigation or discovery; or

12 (E) the denials of factual contentions are not
13 warranted on the evidence, or if specifically so
14 identified, are not reasonably based on a lack of
15 information or belief.

16 (2) "Lawsuit" means a motion pursuant to Section 116-3
17 of the Code of Criminal Procedure of 1963, a habeas corpus
18 action under Article X of the Code of Civil Procedure or
19 under federal law (28 U.S.C. 2254), a petition for claim
20 under the Court of Claims Act, an action under the federal
21 Civil Rights Act (42 U.S.C. 1983), or a second or
22 subsequent petition for post-conviction relief under
23 Article 122 of the Code of Criminal Procedure of 1963
24 whether filed with or without leave of court or a second or
25 subsequent petition for relief from judgment under Section
26 2-1401 of the Code of Civil Procedure.

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

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

11 (Source: P.A. 99-241, eff. 1-1-16; 99-275, eff. 1-1-16; 99-642,
12 eff. 7-28-16; 99-938, eff. 1-1-18; 100-3, eff. 1-1-18.)

13 (730 ILCS 5/3-14-2) (from Ch. 38, par. 1003-14-2)

14 Sec. 3-14-2. Supervision on Parole, Mandatory Supervised
15 Release and Release by Statute.

16 (a) The Department shall retain custody of all persons
17 placed on parole or mandatory supervised release or released
18 pursuant to Section 3-3-10 of this Code and shall supervise
19 such persons during their parole or release period in accord
20 with the conditions set by the Prisoner Review Board. Such
21 conditions shall include referral to an alcohol or drug abuse
22 treatment program, as appropriate, if such person has
23 previously been identified as having an alcohol or drug abuse
24 problem. Such conditions may include that the person use an
25 approved electronic monitoring device subject to Article 8A of

1 Chapter V.

2 (b) The Department shall assign personnel to assist persons
3 eligible for parole in preparing a parole plan. Such Department
4 personnel shall make a report of their efforts and findings to
5 the Prisoner Review Board prior to its consideration of the
6 case of such eligible person.

7 (c) A copy of the conditions of his parole or release shall
8 be signed by the parolee or releasee and given to him and to
9 his supervising officer who shall report on his progress under
10 the rules and regulations of the Prisoner Review Board. The
11 supervising officer shall report violations to the Prisoner
12 Review Board and shall have the full power of peace officers in
13 the arrest and retaking of any parolees or releasees or the
14 officer may request the Department to issue a warrant for the
15 arrest of any parolee or releasee who has allegedly violated
16 his parole or release conditions.

17 (c-1) The supervising officer shall request the Department
18 to issue a parole violation warrant, and the Department shall
19 issue a parole violation warrant, under the following
20 circumstances:

21 (1) if the parolee or releasee commits an act that
22 constitutes a felony using a firearm or knife,

23 (2) if applicable, fails to comply with the
24 requirements of the Sex Offender Registration Act,

25 (3) if the parolee or releasee is charged with:

26 (A) a felony offense of domestic battery under

1 Section 12-3.2 of the Criminal Code of 1961 or the
2 Criminal Code of 2012,

3 (B) aggravated domestic battery under Section
4 12-3.3 of the Criminal Code of 1961 or the Criminal
5 Code of 2012,

6 (C) stalking under Section 12-7.3 of the Criminal
7 Code of 1961 or the Criminal Code of 2012,

8 (D) aggravated stalking under Section 12-7.4 of
9 the Criminal Code of 1961 or the Criminal Code of 2012,

10 (E) violation of an order of protection under
11 Section 12-3.4 or 12-30 of the Criminal Code of 1961 or
12 the Criminal Code of 2012, or

13 (F) any offense that would require registration as
14 a sex offender under the Sex Offender Registration Act,
15 or

16 (4) if the parolee or releasee is on parole or
17 mandatory supervised release for a murder, a Class X felony
18 or a Class 1 felony violation of the Criminal Code of 1961
19 or the Criminal Code of 2012, or any felony that requires
20 registration as a sex offender under the Sex Offender
21 Registration Act and commits an act that constitutes first
22 degree murder, a Class X felony, a Class 1 felony, a Class
23 2 felony, or a Class 3 felony.

24 A sheriff or other peace officer may detain an alleged
25 parole or release violator until a warrant for his return to
26 the Department can be issued. The parolee or releasee may be

1 delivered to any secure place until he can be transported to
2 the Department. The officer or the Department shall file a
3 violation report with notice of charges with the Prisoner
4 Review Board.

5 (d) Except for parolees and releasees on parole or
6 mandatory supervised release for first degree murder, a Class X
7 felony, or a Class 1 felony violation of the Criminal Code of
8 1961 or the Criminal Code of 2012, or any felony that requires
9 registration as a sex offender under the Sex Offender
10 Registration Act, parolees or releasees determined by the
11 Department to be low risk to recidivate based on a validated
12 risk assessment prior to release shall be subject to low level
13 supervision and required to check in with the supervising
14 officer via phone or other electronic means and shall not be
15 subject to additional conditions imposed by the Prisoner Review
16 Board except those otherwise required in statute.

17 (d-5) Parolees or releasees determined by the Department
18 prior to release to be moderate or high risk to recidivate
19 based on a validated risk assessment shall be subject to high
20 level supervision. The Department shall define high level
21 supervision based upon evidence-based and research-based
22 practices. The supervising officer shall regularly advise and
23 consult with the parolee or releasee, assist him in adjusting
24 to community life, inform him of the restoration of his rights
25 on successful completion of sentence under Section 5-5-5. If
26 the parolee or releasee has been convicted of a sex offense as

1 defined in the Sex Offender Management Board Act, the
2 supervising officer shall periodically, but not less than once
3 a month, verify that the parolee or releasee is in compliance
4 with paragraph (7.6) of subsection (a) of Section 3-3-7.

5
6 (e) Supervising officers shall receive specialized
7 training in the special needs of female releasees or parolees
8 including the family reunification process.

9 (f) The supervising officer shall keep such records as the
10 Prisoner Review Board or Department may require. All records
11 shall be entered in the master file of the individual.

12 (Source: P.A. 96-282, eff. 1-1-10; 96-1447, eff. 8-20-10;
13 97-389, eff. 8-15-11; 97-1150, eff. 1-25-13.)

14 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

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

16 Sec. 5-5-3. Disposition.

17 (a) (Blank).

18 (b) (Blank).

19 (c) (1) (Blank).

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

1 (A) First degree murder where the death penalty is not
2 imposed.

3 (B) Attempted first degree murder.

4 (C) A Class X felony.

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

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

14 (E) A violation of Section 5.1 or 9 of the Cannabis
15 Control Act.

16 (F) A Class 2 or greater felony if the offender had
17 been convicted of a Class 2 or greater felony, including
18 any state or federal conviction for an offense that
19 contained, at the time it was committed, the same elements
20 as an offense now (the date of the offense committed after
21 the prior Class 2 or greater felony) classified as a Class
22 2 or greater felony, within 10 years of the date on which
23 the offender committed the offense for which he or she is
24 being sentenced, except as otherwise provided in Section
25 40-10 of the Alcoholism and Other Drug Abuse and Dependency
26 Act.

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

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

7 (H) Criminal sexual assault.

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

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

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

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

23 (K) Vehicular hijacking.

24 (L) A second or subsequent conviction for the offense
25 of hate crime when the underlying offense upon which the
26 hate crime is based is felony aggravated assault or felony

1 mob action.

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

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

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

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

13 (Q) A violation of subsection (b) or (b-5) of Section
14 20-1, Section 20-1.2, or Section 20-1.3 of the Criminal
15 Code of 1961 or the Criminal Code of 2012.

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

18 (S) (Blank).

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

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

1 another state.

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

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

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

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

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

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

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

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

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

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

17 (3) (Blank).

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

22 (4.1) (Blank).

23 (4.2) Except as provided in paragraphs (4.3) and (4.8) of
24 this subsection (c), a minimum of 100 hours of community
25 service shall be imposed for a second violation of Section
26 6-303 of the Illinois Vehicle Code.

1 (4.3) A minimum term of imprisonment of 30 days or 300
2 hours of community service, as determined by the court, shall
3 be imposed for a second violation of subsection (c) of Section
4 6-303 of the Illinois Vehicle Code.

5 (4.4) Except as provided in paragraphs (4.5), (4.6), and
6 (4.9) of this subsection (c), a minimum term of imprisonment of
7 30 days or 300 hours of community service, as determined by the
8 court, shall be imposed for a third or subsequent violation of
9 Section 6-303 of the Illinois Vehicle Code. The court may give
10 credit toward the fulfillment of community service hours for
11 participation in activities and treatment as determined by
12 court services.

13 (4.5) A minimum term of imprisonment of 30 days shall be
14 imposed for a third violation of subsection (c) of Section
15 6-303 of the Illinois Vehicle Code.

16 (4.6) Except as provided in paragraph (4.10) of this
17 subsection (c), a minimum term of imprisonment of 180 days
18 shall be imposed for a fourth or subsequent violation of
19 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

20 (4.7) A minimum term of imprisonment of not less than 30
21 consecutive days, or 300 hours of community service, shall be
22 imposed for a violation of subsection (a-5) of Section 6-303 of
23 the Illinois Vehicle Code, as provided in subsection (b-5) of
24 that Section.

25 (4.8) A mandatory prison sentence shall be imposed for a
26 second violation of subsection (a-5) of Section 6-303 of the

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

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

11 (4.10) A mandatory prison sentence for a Class 1 felony
12 shall be imposed, and the person shall be eligible for an
13 extended term sentence, for a fourth or subsequent violation of
14 subsection (a-5) of Section 6-303 of the Illinois Vehicle Code,
15 as provided in subsection (d-3.5) of that Section. The person's
16 driving privileges shall be revoked for the remainder of his or
17 her life.

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

20 (A) a period of conditional discharge;

21 (B) a fine;

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

24 (5.1) In addition to any other penalties imposed, and
25 except as provided in paragraph (5.2) or (5.3), 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 at least 90 days but not
3 more than one year, if the violation resulted in damage to the
4 property of another person.

5 (5.2) In addition to any other penalties imposed, and
6 except as provided in paragraph (5.3), a person convicted of
7 violating subsection (c) of Section 11-907 of the Illinois
8 Vehicle Code shall have his or her driver's license, permit, or
9 privileges suspended for at least 180 days but not more than 2
10 years, if the violation resulted in injury to another person.

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

16 (5.4) In addition to any other penalties imposed, a person
17 convicted of violating Section 3-707 of the Illinois Vehicle
18 Code shall have his or her driver's license, permit, or
19 privileges suspended for 3 months and until he or she has paid
20 a reinstatement fee of \$100.

21 (5.5) In addition to any other penalties imposed, a person
22 convicted of violating Section 3-707 of the Illinois Vehicle
23 Code during a period in which his or her driver's license,
24 permit, or privileges were suspended for a previous violation
25 of that Section shall have his or her driver's license, permit,
26 or privileges suspended for an additional 6 months after the

1 expiration of the original 3-month suspension and until he or
2 she has paid a reinstatement fee of \$100.

3 (6) (Blank).

4 (7) (Blank).

5 (8) (Blank).

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

9 (10) (Blank).

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

26 (12) A person may not receive a disposition of court

1 supervision for a violation of Section 5-16 of the Boat
2 Registration and Safety Act if that person has previously
3 received a disposition of court supervision for a violation of
4 that Section.

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

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

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

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

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

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

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

20 (i) removal from the household;

21 (ii) restricted contact with the victim;

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

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

25 and

26 (v) compliance with any other measures that

1 the court may deem appropriate; and

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

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

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

19 (f) (Blank).

20 (g) Whenever a defendant is convicted of an offense under
21 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,
22 11-14.3, 11-14.4 except for an offense that involves keeping a
23 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,
24 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,
25 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the
26 Criminal Code of 2012, the defendant shall undergo medical

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

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

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

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

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

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

1 disbursed by the circuit clerk as provided under Section 27.5
2 of the Clerks of Courts Act.

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

1 to the appropriate regional superintendent of schools. The
2 regional superintendent of schools shall notify the State Board
3 of Education of any notification under this subsection.

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

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

10 (k) (Blank).

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

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

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

25 Otherwise, the defendant shall be sentenced as provided in
26 this Chapter V.

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

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

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

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

19 (D) Upon motion of the State's Attorney, if a defendant
20 sentenced under this Section returns to the jurisdiction of the
21 United States, the defendant shall be recommitted to the
22 custody of the county from which he or she was sentenced.
23 Thereafter, the defendant shall be brought before the
24 sentencing court, which may impose any sentence that was
25 available under Section 5-5-3 at the time of initial
26 sentencing. In addition, the defendant shall not be eligible

1 for additional sentence credit for good conduct as provided
2 under Section 3-6-3.

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

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

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

23 (Source: P.A. 98-718, eff. 1-1-15; 98-756, eff. 7-16-14;
24 99-143, eff. 7-27-15; 99-885, eff. 8-23-16.)

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

1 Sec. 5-5-3. Disposition.

2 (a) (Blank).

3 (b) (Blank).

4 (c) (1) (Blank).

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

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

13 (B) Attempted first degree murder.

14 (C) A Class X felony.

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

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

24 (E) (Blank).

25 (F) A Class 1 or greater felony if the offender had
26 been convicted of a Class 1 or greater felony, including

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

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

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

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

1 (H) Criminal sexual assault.

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

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

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

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

17 (K) Vehicular hijacking.

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

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

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

1 Identification Card Act.

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

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

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

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

12 (S) (Blank).

13 (T) (Blank).

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

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

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

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

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

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

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

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

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

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

1 \$500,000 or more.

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

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

10 (3) (Blank).

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

15 (4.1) (Blank).

16 (4.2) Except as provided in paragraphs (4.3) and (4.8) of
17 this subsection (c), a minimum of 100 hours of community
18 service shall be imposed for a second violation of Section
19 6-303 of the Illinois Vehicle Code.

20 (4.3) A minimum term of imprisonment of 30 days or 300
21 hours of community service, as determined by the court, shall
22 be imposed for a second violation of subsection (c) of Section
23 6-303 of the Illinois Vehicle Code.

24 (4.4) Except as provided in paragraphs (4.5), (4.6), and
25 (4.9) of this subsection (c), a minimum term of imprisonment of
26 30 days or 300 hours of community service, as determined by the

1 court, shall be imposed for a third or subsequent violation of
2 Section 6-303 of the Illinois Vehicle Code. The court may give
3 credit toward the fulfillment of community service hours for
4 participation in activities and treatment as determined by
5 court services.

6 (4.5) A minimum term of imprisonment of 30 days shall be
7 imposed for a third violation of subsection (c) of Section
8 6-303 of the Illinois Vehicle Code.

9 (4.6) Except as provided in paragraph (4.10) of this
10 subsection (c), a minimum term of imprisonment of 180 days
11 shall be imposed for a fourth or subsequent violation of
12 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

13 (4.7) A minimum term of imprisonment of not less than 30
14 consecutive days, or 300 hours of community service, shall be
15 imposed for a violation of subsection (a-5) of Section 6-303 of
16 the Illinois Vehicle Code, as provided in subsection (b-5) of
17 that Section.

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

24 (4.9) A mandatory prison sentence of not less than 4 and
25 not more than 15 years shall be imposed for a third violation
26 of subsection (a-5) of Section 6-303 of the Illinois Vehicle

1 Code, as provided in subsection (d-2.5) of that Section. The
2 person's driving privileges shall be revoked for the remainder
3 of his or her life.

4 (4.10) A mandatory prison sentence for a Class 1 felony
5 shall be imposed, and the person shall be eligible for an
6 extended term sentence, for a fourth or subsequent violation of
7 subsection (a-5) of Section 6-303 of the Illinois Vehicle Code,
8 as provided in subsection (d-3.5) of that Section. The person's
9 driving privileges shall be revoked for the remainder of his or
10 her life.

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

13 (A) a period of conditional discharge;

14 (B) a fine;

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

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

24 (5.2) In addition to any other penalties imposed, and
25 except as provided in paragraph (5.3), a person convicted of
26 violating subsection (c) of Section 11-907 of the Illinois

1 Vehicle Code shall have his or her driver's license, permit, or
2 privileges suspended for at least 180 days but not more than 2
3 years, if the violation resulted in injury to another person.

4 (5.3) In addition to any other penalties imposed, a person
5 convicted of violating subsection (c) of Section 11-907 of the
6 Illinois Vehicle Code shall have his or her driver's license,
7 permit, or privileges suspended for 2 years, if the violation
8 resulted in the death of another person.

9 (5.4) In addition to any other penalties imposed, a person
10 convicted of violating Section 3-707 of the Illinois Vehicle
11 Code shall have his or her driver's license, permit, or
12 privileges suspended for 3 months and until he or she has paid
13 a reinstatement fee of \$100.

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

22 (6) (Blank).

23 (7) (Blank).

24 (8) (Blank).

25 (9) A defendant convicted of a second or subsequent offense
26 of ritualized abuse of a child may be sentenced to a term of

1 natural life imprisonment.

2 (10) (Blank).

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

19 (12) A person may not receive a disposition of court
20 supervision for a violation of Section 5-16 of the Boat
21 Registration and Safety Act if that person has previously
22 received a disposition of court supervision for a violation of
23 that Section.

24 (13) A person convicted of or placed on court supervision
25 for an assault or aggravated assault when the victim and the
26 offender are family or household members as defined in Section

1 103 of the Illinois Domestic Violence Act of 1986 or convicted
2 of domestic battery or aggravated domestic battery may be
3 required to attend a Partner Abuse Intervention Program under
4 protocols set forth by the Illinois Department of Human
5 Services under such terms and conditions imposed by the court.
6 The costs of such classes shall be paid by the offender.

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

25 (e) In cases where prosecution for aggravated criminal
26 sexual abuse under Section 11-1.60 or 12-16 of the Criminal

1 Code of 1961 or the Criminal Code of 2012 results in conviction
2 of a defendant who was a family member of the victim at the
3 time of the commission of the offense, the court shall consider
4 the safety and welfare of the victim and may impose a sentence
5 of probation only where:

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

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

10 (B) the defendant is willing to participate in a
11 court approved plan including but not limited to the
12 defendant's:

13 (i) removal from the household;

14 (ii) restricted contact with the victim;

15 (iii) continued financial support of the
16 family;

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

18 and

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

21 (2) the court orders the defendant to pay for the
22 victim's counseling services, to the extent that the court
23 finds, after considering the defendant's income and
24 assets, that the defendant is financially capable of paying
25 for such services, if the victim was under 18 years of age
26 at the time the offense was committed and requires

1 counseling as a result of the offense.

2 Probation may be revoked or modified pursuant to Section
3 5-6-4; except where the court determines at the hearing that
4 the defendant violated a condition of his or her probation
5 restricting contact with the victim or other family members or
6 commits another offense with the victim or other family
7 members, the court shall revoke the defendant's probation and
8 impose a term of imprisonment.

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

12 (f) (Blank).

13 (g) Whenever a defendant is convicted of an offense under
14 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,
15 11-14.3, 11-14.4 except for an offense that involves keeping a
16 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,
17 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,
18 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the
19 Criminal Code of 2012, the defendant shall undergo medical
20 testing to determine whether the defendant has any sexually
21 transmissible disease, including a test for infection with
22 human immunodeficiency virus (HIV) or any other identified
23 causative agent of acquired immunodeficiency syndrome (AIDS).
24 Any such medical test shall be performed only by appropriately
25 licensed medical practitioners and may include an analysis of
26 any bodily fluids as well as an examination of the defendant's

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

1 the convicted defendant.

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

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

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

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

22 (j) In cases when prosecution for any violation of Section
23 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,
24 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,
25 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
26 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,

1 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal
2 Code of 2012, any violation of the Illinois Controlled
3 Substances Act, any violation of the Cannabis Control Act, or
4 any violation of the Methamphetamine Control and Community
5 Protection Act results in conviction, a disposition of court
6 supervision, or an order of probation granted under Section 10
7 of the Cannabis Control Act, Section 410 of the Illinois
8 Controlled Substances Act, or Section 70 of the Methamphetamine
9 Control and Community Protection Act of a defendant, the court
10 shall determine whether the defendant is employed by a facility
11 or center as defined under the Child Care Act of 1969, a public
12 or private elementary or secondary school, or otherwise works
13 with children under 18 years of age on a daily basis. When a
14 defendant is so employed, the court shall order the Clerk of
15 the Court to send a copy of the judgment of conviction or order
16 of supervision or probation to the defendant's employer by
17 certified mail. If the employer of the defendant is a school,
18 the Clerk of the Court shall direct the mailing of a copy of
19 the judgment of conviction or order of supervision or probation
20 to the appropriate regional superintendent of schools. The
21 regional superintendent of schools shall notify the State Board
22 of Education of any notification under this subsection.

23 (j-5) A defendant at least 17 years of age who is convicted
24 of a felony and who has not been previously convicted of a
25 misdemeanor or felony and who is sentenced to a term of
26 imprisonment in the Illinois Department of Corrections shall as

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

1 developmental disability or otherwise mentally incapable of
2 completing the educational or vocational program.

3 (k) (Blank).

4 (l) (A) Except as provided in paragraph (C) of subsection
5 (1), whenever a defendant, who is an alien as defined by the
6 Immigration and Nationality Act, is convicted of any felony or
7 misdemeanor offense, the court after sentencing the defendant
8 may, upon motion of the State's Attorney, hold sentence in
9 abeyance and remand the defendant to the custody of the
10 Attorney General of the United States or his or her designated
11 agent to be deported when:

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

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

18 Otherwise, the defendant shall be sentenced as provided in
19 this Chapter V.

20 (B) If the defendant has already been sentenced for a
21 felony or misdemeanor offense, or has been placed on probation
22 under Section 10 of the Cannabis Control Act, Section 410 of
23 the Illinois Controlled Substances Act, or Section 70 of the
24 Methamphetamine Control and Community Protection Act, the
25 court may, upon motion of the State's Attorney to suspend the
26 sentence imposed, commit the defendant to the custody of the

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

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

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

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

12 (D) Upon motion of the State's Attorney, if a defendant
13 sentenced under this Section returns to the jurisdiction of the
14 United States, the defendant shall be recommitted to the
15 custody of the county from which he or she was sentenced.
16 Thereafter, the defendant shall be brought before the
17 sentencing court, which may impose any sentence that was
18 available under Section 5-5-3 at the time of initial
19 sentencing. In addition, the defendant shall not be eligible
20 for additional earned sentence credit as provided under Section
21 3-6-3.

22 (m) A person convicted of criminal defacement of property
23 under Section 21-1.3 of the Criminal Code of 1961 or the
24 Criminal Code of 2012, in which the property damage exceeds
25 \$300 and the property damaged is a school building, shall be
26 ordered to perform community service that may include cleanup,

1 removal, or painting over the defacement.

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

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

16 (Source: P.A. 98-718, eff. 1-1-15; 98-756, eff. 7-16-14;
17 99-143, eff. 7-27-15; 99-885, eff. 8-23-16; 99-938, eff.
18 1-1-18.)

19 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

20 Sec. 5-6-3. Conditions of Probation and of Conditional
21 Discharge.

22 (a) The conditions of probation and of conditional
23 discharge shall be that the person:

24 (1) not violate any criminal statute of any
25 jurisdiction;

1 (2) report to or appear in person before such person or
2 agency as directed by the court;

3 (3) refrain from possessing a firearm or other
4 dangerous weapon where the offense is a felony or, if a
5 misdemeanor, the offense involved the intentional or
6 knowing infliction of bodily harm or threat of bodily harm;

7 (4) not leave the State without the consent of the
8 court or, in circumstances in which the reason for the
9 absence is of such an emergency nature that prior consent
10 by the court is not possible, without the prior
11 notification and approval of the person's probation
12 officer. Transfer of a person's probation or conditional
13 discharge supervision to another state is subject to
14 acceptance by the other state pursuant to the Interstate
15 Compact for Adult Offender Supervision;

16 (5) permit the probation officer to visit him at his
17 home or elsewhere to the extent necessary to discharge his
18 duties;

19 (6) perform no less than 30 hours of community service
20 and not more than 120 hours of community service, if
21 community service is available in the jurisdiction and is
22 funded and approved by the county board where the offense
23 was committed, where the offense was related to or in
24 furtherance of the criminal activities of an organized gang
25 and was motivated by the offender's membership in or
26 allegiance to an organized gang. The community service

1 shall include, but not be limited to, the cleanup and
2 repair of any damage caused by a violation of Section
3 21-1.3 of the Criminal Code of 1961 or the Criminal Code of
4 2012 and similar damage to property located within the
5 municipality or county in which the violation occurred.
6 When possible and reasonable, the community service should
7 be performed in the offender's neighborhood. For purposes
8 of this Section, "organized gang" has the meaning ascribed
9 to it in Section 10 of the Illinois Streetgang Terrorism
10 Omnibus Prevention Act. The court may give credit toward
11 the fulfillment of community service hours for
12 participation in activities and treatment as determined by
13 court services;

14 (7) if he or she is at least 17 years of age and has
15 been sentenced to probation or conditional discharge for a
16 misdemeanor or felony in a county of 3,000,000 or more
17 inhabitants and has not been previously convicted of a
18 misdemeanor or felony, may be required by the sentencing
19 court to attend educational courses designed to prepare the
20 defendant for a high school diploma and to work toward a
21 high school diploma or to work toward passing high school
22 equivalency testing or to work toward completing a
23 vocational training program approved by the court. The
24 person on probation or conditional discharge must attend a
25 public institution of education to obtain the educational
26 or vocational training required by this clause (7). The

1 court shall revoke the probation or conditional discharge
2 of a person who wilfully fails to comply with this clause
3 (7). The person on probation or conditional discharge shall
4 be required to pay for the cost of the educational courses
5 or high school equivalency testing if a fee is charged for
6 those courses or testing. The court shall resentence the
7 offender whose probation or conditional discharge has been
8 revoked as provided in Section 5-6-4. This clause (7) does
9 not apply to a person who has a high school diploma or has
10 successfully passed high school equivalency testing. This
11 clause (7) does not apply to a person who is determined by
12 the court to be a person with a developmental disability or
13 otherwise mentally incapable of completing the educational
14 or vocational program;

15 (8) if convicted of possession of a substance
16 prohibited by the Cannabis Control Act, the Illinois
17 Controlled Substances Act, or the Methamphetamine Control
18 and Community Protection Act after a previous conviction or
19 disposition of supervision for possession of a substance
20 prohibited by the Cannabis Control Act or Illinois
21 Controlled Substances Act or after a sentence of probation
22 under Section 10 of the Cannabis Control Act, Section 410
23 of the Illinois Controlled Substances Act, or Section 70 of
24 the Methamphetamine Control and Community Protection Act
25 and upon a finding by the court that the person is
26 addicted, undergo treatment at a substance abuse program

1 approved by the court;

2 (8.5) if convicted of a felony sex offense as defined
3 in the Sex Offender Management Board Act, the person shall
4 undergo and successfully complete sex offender treatment
5 by a treatment provider approved by the Board and conducted
6 in conformance with the standards developed under the Sex
7 Offender Management Board Act;

8 (8.6) if convicted of a sex offense as defined in the
9 Sex Offender Management Board Act, refrain from residing at
10 the same address or in the same condominium unit or
11 apartment unit or in the same condominium complex or
12 apartment complex with another person he or she knows or
13 reasonably should know is a convicted sex offender or has
14 been placed on supervision for a sex offense; the
15 provisions of this paragraph do not apply to a person
16 convicted of a sex offense who is placed in a Department of
17 Corrections licensed transitional housing facility for sex
18 offenders;

19 (8.7) if convicted for an offense committed on or after
20 June 1, 2008 (the effective date of Public Act 95-464) that
21 would qualify the accused as a child sex offender as
22 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
23 1961 or the Criminal Code of 2012, refrain from
24 communicating with or contacting, by means of the Internet,
25 a person who is not related to the accused and whom the
26 accused reasonably believes to be under 18 years of age;

1 for purposes of this paragraph (8.7), "Internet" has the
2 meaning ascribed to it in Section 16-0.1 of the Criminal
3 Code of 2012; and a person is not related to the accused if
4 the person is not: (i) the spouse, brother, or sister of
5 the accused; (ii) a descendant of the accused; (iii) a
6 first or second cousin of the accused; or (iv) a step-child
7 or adopted child of the accused;

8 (8.8) if convicted for an offense under Section 11-6,
9 11-9.1, 11-14.4 that involves soliciting for a juvenile
10 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21
11 of the Criminal Code of 1961 or the Criminal Code of 2012,
12 or any attempt to commit any of these offenses, committed
13 on or after June 1, 2009 (the effective date of Public Act
14 95-983):

15 (i) not access or use a computer or any other
16 device with Internet capability without the prior
17 written approval of the offender's probation officer,
18 except in connection with the offender's employment or
19 search for employment with the prior approval of the
20 offender's probation officer;

21 (ii) submit to periodic unannounced examinations
22 of the offender's computer or any other device with
23 Internet capability by the offender's probation
24 officer, a law enforcement officer, or assigned
25 computer or information technology specialist,
26 including the retrieval and copying of all data from

1 the computer or device and any internal or external
2 peripherals and removal of such information,
3 equipment, or device to conduct a more thorough
4 inspection;

5 (iii) submit to the installation on the offender's
6 computer or device with Internet capability, at the
7 offender's expense, of one or more hardware or software
8 systems to monitor the Internet use; and

9 (iv) submit to any other appropriate restrictions
10 concerning the offender's use of or access to a
11 computer or any other device with Internet capability
12 imposed by the offender's probation officer;

13 (8.9) if convicted of a sex offense as defined in the
14 Sex Offender Registration Act committed on or after January
15 1, 2010 (the effective date of Public Act 96-262), refrain
16 from accessing or using a social networking website as
17 defined in Section 17-0.5 of the Criminal Code of 2012;

18 (9) if convicted of a felony or of any misdemeanor
19 violation of Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or
20 12-3.5 of the Criminal Code of 1961 or the Criminal Code of
21 2012 that was determined, pursuant to Section 112A-11.1 of
22 the Code of Criminal Procedure of 1963, to trigger the
23 prohibitions of 18 U.S.C. 922(g)(9), physically surrender
24 at a time and place designated by the court, his or her
25 Firearm Owner's Identification Card and any and all
26 firearms in his or her possession. The Court shall return

1 to the Department of State Police Firearm Owner's
2 Identification Card Office the person's Firearm Owner's
3 Identification Card;

4 (10) if convicted of a sex offense as defined in
5 subsection (a-5) of Section 3-1-2 of this Code, unless the
6 offender is a parent or guardian of the person under 18
7 years of age present in the home and no non-familial minors
8 are present, not participate in a holiday event involving
9 children under 18 years of age, such as distributing candy
10 or other items to children on Halloween, wearing a Santa
11 Claus costume on or preceding Christmas, being employed as
12 a department store Santa Claus, or wearing an Easter Bunny
13 costume on or preceding Easter;

14 (11) if convicted of a sex offense as defined in
15 Section 2 of the Sex Offender Registration Act committed on
16 or after January 1, 2010 (the effective date of Public Act
17 96-362) that requires the person to register as a sex
18 offender under that Act, may not knowingly use any computer
19 scrub software on any computer that the sex offender uses;
20 and

21 (12) if convicted of a violation of the Methamphetamine
22 Control and Community Protection Act, the Methamphetamine
23 Precursor Control Act, or a methamphetamine related
24 offense:

25 (A) prohibited from purchasing, possessing, or
26 having under his or her control any product containing

1 pseudoephedrine unless prescribed by a physician; and

2 (B) prohibited from purchasing, possessing, or
3 having under his or her control any product containing
4 ammonium nitrate.

5 (b) The Court may in addition to other reasonable
6 conditions relating to the nature of the offense or the
7 rehabilitation of the defendant as determined for each
8 defendant in the proper discretion of the Court require that
9 the person:

10 (1) serve a term of periodic imprisonment under Article
11 7 for a period not to exceed that specified in paragraph
12 (d) of Section 5-7-1;

13 (2) pay a fine and costs;

14 (3) work or pursue a course of study or vocational
15 training;

16 (4) undergo medical, psychological or psychiatric
17 treatment; or treatment for drug addiction or alcoholism;

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

20 (6) support his dependents;

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

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

23 (ii) attend school;

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

25 (iv) contribute to his own support at home or in a
26 foster home;

1 (v) with the consent of the superintendent of the
2 facility, attend an educational program at a facility
3 other than the school in which the offense was
4 committed if he or she is convicted of a crime of
5 violence as defined in Section 2 of the Crime Victims
6 Compensation Act committed in a school, on the real
7 property comprising a school, or within 1,000 feet of
8 the real property comprising a school;

9 (8) make restitution as provided in Section 5-5-6 of
10 this Code;

11 (9) perform some reasonable public or community
12 service;

13 (10) serve a term of home confinement. In addition to
14 any other applicable condition of probation or conditional
15 discharge, the conditions of home confinement shall be that
16 the offender:

17 (i) remain within the interior premises of the
18 place designated for his confinement during the hours
19 designated by the court;

20 (ii) admit any person or agent designated by the
21 court into the offender's place of confinement at any
22 time for purposes of verifying the offender's
23 compliance with the conditions of his confinement; and

24 (iii) if further deemed necessary by the court or
25 the Probation or Court Services Department, be placed
26 on an approved electronic monitoring device, subject

1 to Article 8A of Chapter V;

2 (iv) for persons convicted of any alcohol,
3 cannabis or controlled substance violation who are
4 placed on an approved monitoring device as a condition
5 of probation or conditional discharge, the court shall
6 impose a reasonable fee for each day of the use of the
7 device, as established by the county board in
8 subsection (g) of this Section, unless after
9 determining the inability of the offender to pay the
10 fee, the court assesses a lesser fee or no fee as the
11 case may be. This fee shall be imposed in addition to
12 the fees imposed under subsections (g) and (i) of this
13 Section. The fee shall be collected by the clerk of the
14 circuit court, except as provided in an administrative
15 order of the Chief Judge of the circuit court. The
16 clerk of the circuit court shall pay all monies
17 collected from this fee to the county treasurer for
18 deposit in the substance abuse services fund under
19 Section 5-1086.1 of the Counties Code, except as
20 provided in an administrative order of the Chief Judge
21 of the circuit court.

22 The Chief Judge of the circuit court of the county
23 may by administrative order establish a program for
24 electronic monitoring of offenders, in which a vendor
25 supplies and monitors the operation of the electronic
26 monitoring device, and collects the fees on behalf of

1 the county. The program shall include provisions for
2 indigent offenders and the collection of unpaid fees.
3 The program shall not unduly burden the offender and
4 shall be subject to review by the Chief Judge.

5 The Chief Judge of the circuit court may suspend
6 any additional charges or fees for late payment,
7 interest, or damage to any device; and

8 (v) for persons convicted of offenses other than
9 those referenced in clause (iv) above and who are
10 placed on an approved monitoring device as a condition
11 of probation or conditional discharge, the court shall
12 impose a reasonable fee for each day of the use of the
13 device, as established by the county board in
14 subsection (g) of this Section, unless after
15 determining the inability of the defendant to pay the
16 fee, the court assesses a lesser fee or no fee as the
17 case may be. This fee shall be imposed in addition to
18 the fees imposed under subsections (g) and (i) of this
19 Section. The fee shall be collected by the clerk of the
20 circuit court, except as provided in an administrative
21 order of the Chief Judge of the circuit court. The
22 clerk of the circuit court shall pay all monies
23 collected from this fee to the county treasurer who
24 shall use the monies collected to defray the costs of
25 corrections. The county treasurer shall deposit the
26 fee collected in the probation and court services fund.

1 The Chief Judge of the circuit court of the county may
2 by administrative order establish a program for
3 electronic monitoring of offenders, in which a vendor
4 supplies and monitors the operation of the electronic
5 monitoring device, and collects the fees on behalf of
6 the county. The program shall include provisions for
7 indigent offenders and the collection of unpaid fees.
8 The program shall not unduly burden the offender and
9 shall be subject to review by the Chief Judge.

10 The Chief Judge of the circuit court may suspend
11 any additional charges or fees for late payment,
12 interest, or damage to any device.

13 (11) comply with the terms and conditions of an order
14 of protection issued by the court pursuant to the Illinois
15 Domestic Violence Act of 1986, as now or hereafter amended,
16 or an order of protection issued by the court of another
17 state, tribe, or United States territory. A copy of the
18 order of protection shall be transmitted to the probation
19 officer or agency having responsibility for the case;

20 (12) reimburse any "local anti-crime program" as
21 defined in Section 7 of the Anti-Crime Advisory Council Act
22 for any reasonable expenses incurred by the program on the
23 offender's case, not to exceed the maximum amount of the
24 fine authorized for the offense for which the defendant was
25 sentenced;

26 (13) contribute a reasonable sum of money, not to

1 exceed the maximum amount of the fine authorized for the
2 offense for which the defendant was sentenced, (i) to a
3 "local anti-crime program", as defined in Section 7 of the
4 Anti-Crime Advisory Council Act, or (ii) for offenses under
5 the jurisdiction of the Department of Natural Resources, to
6 the fund established by the Department of Natural Resources
7 for the purchase of evidence for investigation purposes and
8 to conduct investigations as outlined in Section 805-105 of
9 the Department of Natural Resources (Conservation) Law;

10 (14) refrain from entering into a designated
11 geographic area except upon such terms as the court finds
12 appropriate. Such terms may include consideration of the
13 purpose of the entry, the time of day, other persons
14 accompanying the defendant, and advance approval by a
15 probation officer, if the defendant has been placed on
16 probation or advance approval by the court, if the
17 defendant was placed on conditional discharge;

18 (15) refrain from having any contact, directly or
19 indirectly, with certain specified persons or particular
20 types of persons, including but not limited to members of
21 street gangs and drug users or dealers;

22 (16) refrain from having in his or her body the
23 presence of any illicit drug prohibited by the Cannabis
24 Control Act, the Illinois Controlled Substances Act, or the
25 Methamphetamine Control and Community Protection Act,
26 unless prescribed by a physician, and submit samples of his

1 or her blood or urine or both for tests to determine the
2 presence of any illicit drug;

3 (17) if convicted for an offense committed on or after
4 June 1, 2008 (the effective date of Public Act 95-464) that
5 would qualify the accused as a child sex offender as
6 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
7 1961 or the Criminal Code of 2012, refrain from
8 communicating with or contacting, by means of the Internet,
9 a person who is related to the accused and whom the accused
10 reasonably believes to be under 18 years of age; for
11 purposes of this paragraph (17), "Internet" has the meaning
12 ascribed to it in Section 16-0.1 of the Criminal Code of
13 2012; and a person is related to the accused if the person
14 is: (i) the spouse, brother, or sister of the accused; (ii)
15 a descendant of the accused; (iii) a first or second cousin
16 of the accused; or (iv) a step-child or adopted child of
17 the accused;

18 (18) if convicted for an offense committed on or after
19 June 1, 2009 (the effective date of Public Act 95-983) that
20 would qualify as a sex offense as defined in the Sex
21 Offender Registration Act:

22 (i) not access or use a computer or any other
23 device with Internet capability without the prior
24 written approval of the offender's probation officer,
25 except in connection with the offender's employment or
26 search for employment with the prior approval of the

1 offender's probation officer;

2 (ii) submit to periodic unannounced examinations
3 of the offender's computer or any other device with
4 Internet capability by the offender's probation
5 officer, a law enforcement officer, or assigned
6 computer or information technology specialist,
7 including the retrieval and copying of all data from
8 the computer or device and any internal or external
9 peripherals and removal of such information,
10 equipment, or device to conduct a more thorough
11 inspection;

12 (iii) submit to the installation on the offender's
13 computer or device with Internet capability, at the
14 subject's expense, of one or more hardware or software
15 systems to monitor the Internet use; and

16 (iv) submit to any other appropriate restrictions
17 concerning the offender's use of or access to a
18 computer or any other device with Internet capability
19 imposed by the offender's probation officer; and

20 (19) refrain from possessing a firearm or other
21 dangerous weapon where the offense is a misdemeanor that
22 did not involve the intentional or knowing infliction of
23 bodily harm or threat of bodily harm.

24 (c) The court may as a condition of probation or of
25 conditional discharge require that a person under 18 years of
26 age found guilty of any alcohol, cannabis or controlled

1 substance violation, refrain from acquiring a driver's license
2 during the period of probation or conditional discharge. If
3 such person is in possession of a permit or license, the court
4 may require that the minor refrain from driving or operating
5 any motor vehicle during the period of probation or conditional
6 discharge, except as may be necessary in the course of the
7 minor's lawful employment.

8 (d) An offender sentenced to probation or to conditional
9 discharge shall be given a certificate setting forth the
10 conditions thereof.

11 (e) Except where the offender has committed a fourth or
12 subsequent violation of subsection (c) of Section 6-303 of the
13 Illinois Vehicle Code, the court shall not require as a
14 condition of the sentence of probation or conditional discharge
15 that the offender be committed to a period of imprisonment in
16 excess of 6 months. This 6 month limit shall not include
17 periods of confinement given pursuant to a sentence of county
18 impact incarceration under Section 5-8-1.2.

19 Persons committed to imprisonment as a condition of
20 probation or conditional discharge shall not be committed to
21 the Department of Corrections.

22 (f) The court may combine a sentence of periodic
23 imprisonment under Article 7 or a sentence to a county impact
24 incarceration program under Article 8 with a sentence of
25 probation or conditional discharge.

26 (g) An offender sentenced to probation or to conditional

1 discharge and who during the term of either undergoes mandatory
2 drug or alcohol testing, or both, or is assigned to be placed
3 on an approved electronic monitoring device, shall be ordered
4 to pay all costs incidental to such mandatory drug or alcohol
5 testing, or both, and all costs incidental to such approved
6 electronic monitoring in accordance with the defendant's
7 ability to pay those costs. The county board with the
8 concurrence of the Chief Judge of the judicial circuit in which
9 the county is located shall establish reasonable fees for the
10 cost of maintenance, testing, and incidental expenses related
11 to the mandatory drug or alcohol testing, or both, and all
12 costs incidental to approved electronic monitoring, involved
13 in a successful probation program for the county. The
14 concurrence of the Chief Judge shall be in the form of an
15 administrative order. The fees shall be collected by the clerk
16 of the circuit court, except as provided in an administrative
17 order of the Chief Judge of the circuit court. The clerk of the
18 circuit court shall pay all moneys collected from these fees to
19 the county treasurer who shall use the moneys collected to
20 defray the costs of drug testing, alcohol testing, and
21 electronic monitoring. The county treasurer shall deposit the
22 fees collected in the county working cash fund under Section
23 6-27001 or Section 6-29002 of the Counties Code, as the case
24 may be. The Chief Judge of the circuit court of the county may
25 by administrative order establish a program for electronic
26 monitoring of offenders, in which a vendor supplies and

1 monitors the operation of the electronic monitoring device, and
2 collects the fees on behalf of the county. The program shall
3 include provisions for indigent offenders and the collection of
4 unpaid fees. The program shall not unduly burden the offender
5 and shall be subject to review by the Chief Judge.

6 The Chief Judge of the circuit court may suspend any
7 additional charges or fees for late payment, interest, or
8 damage to any device.

9 (h) Jurisdiction over an offender may be transferred from
10 the sentencing court to the court of another circuit with the
11 concurrence of both courts. Further transfers or retransfers of
12 jurisdiction are also authorized in the same manner. The court
13 to which jurisdiction has been transferred shall have the same
14 powers as the sentencing court. The probation department within
15 the circuit to which jurisdiction has been transferred, or
16 which has agreed to provide supervision, may impose probation
17 fees upon receiving the transferred offender, as provided in
18 subsection (i). For all transfer cases, as defined in Section
19 9b of the Probation and Probation Officers Act, the probation
20 department from the original sentencing court shall retain all
21 probation fees collected prior to the transfer. After the
22 transfer all probation fees shall be paid to the probation
23 department within the circuit to which jurisdiction has been
24 transferred.

25 (i) The court shall impose upon an offender sentenced to
26 probation after January 1, 1989 or to conditional discharge

1 after January 1, 1992 or to community service under the
2 supervision of a probation or court services department after
3 January 1, 2004, as a condition of such probation or
4 conditional discharge or supervised community service, a fee of
5 \$50 for each month of probation or conditional discharge
6 supervision or supervised community service ordered by the
7 court, unless after determining the inability of the person
8 sentenced to probation or conditional discharge or supervised
9 community service to pay the fee, the court assesses a lesser
10 fee. The court may not impose the fee on a minor who is made a
11 ward of the State under the Juvenile Court Act of 1987 while
12 the minor is in placement. The fee shall be imposed only upon
13 an offender who is actively supervised by the probation and
14 court services department. The fee shall be collected by the
15 clerk of the circuit court. The clerk of the circuit court
16 shall pay all monies collected from this fee to the county
17 treasurer for deposit in the probation and court services fund
18 under Section 15.1 of the Probation and Probation Officers Act.

19 A circuit court may not impose a probation fee under this
20 subsection (i) in excess of \$25 per month unless the circuit
21 court has adopted, by administrative order issued by the chief
22 judge, a standard probation fee guide determining an offender's
23 ability to pay Of the amount collected as a probation fee, up
24 to \$5 of that fee collected per month may be used to provide
25 services to crime victims and their families.

26 The Court may only waive probation fees based on an

1 offender's ability to pay. The probation department may
2 re-evaluate an offender's ability to pay every 6 months, and,
3 with the approval of the Director of Court Services or the
4 Chief Probation Officer, adjust the monthly fee amount. An
5 offender may elect to pay probation fees due in a lump sum. Any
6 offender that has been assigned to the supervision of a
7 probation department, or has been transferred either under
8 subsection (h) of this Section or under any interstate compact,
9 shall be required to pay probation fees to the department
10 supervising the offender, based on the offender's ability to
11 pay.

12 This amendatory Act of the 93rd General Assembly deletes
13 the \$10 increase in the fee under this subsection that was
14 imposed by Public Act 93-616. This deletion is intended to
15 control over any other Act of the 93rd General Assembly that
16 retains or incorporates that fee increase.

17 (i-5) In addition to the fees imposed under subsection (i)
18 of this Section, in the case of an offender convicted of a
19 felony sex offense (as defined in the Sex Offender Management
20 Board Act) or an offense that the court or probation department
21 has determined to be sexually motivated (as defined in the Sex
22 Offender Management Board Act), the court or the probation
23 department shall assess additional fees to pay for all costs of
24 treatment, assessment, evaluation for risk and treatment, and
25 monitoring the offender, based on that offender's ability to
26 pay those costs either as they occur or under a payment plan.

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

8 (k) Any offender who is sentenced to probation or
9 conditional discharge for a felony sex offense as defined in
10 the Sex Offender Management Board Act or any offense that the
11 court or probation department has determined to be sexually
12 motivated as defined in the Sex Offender Management Board Act
13 shall be required to refrain from any contact, directly or
14 indirectly, with any persons specified by the court and shall
15 be available for all evaluations and treatment programs
16 required by the court or the probation department.

17 (l) The court may order an offender who is sentenced to
18 probation or conditional discharge for a violation of an order
19 of protection be placed under electronic surveillance as
20 provided in Section 5-8A-7 of this Code.

21 (Source: P.A. 98-575, eff. 1-1-14; 98-718, eff. 1-1-15; 99-143,
22 eff. 7-27-15; 99-797, eff. 8-12-16.)

23 (730 ILCS 5/5-6-3.3)

24 (Text of Section before amendment by P.A. 100-3)

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

1 (a) Statement of purpose. The General Assembly seeks to
2 continue other successful programs that promote public safety,
3 conserve valuable resources, and reduce recidivism by
4 defendants who can lead productive lives by creating the
5 Offender Initiative Program.

6 (a-1) Whenever any person who has not previously been
7 convicted of, or placed on probation or conditional discharge
8 for, any felony offense under the laws of this State, the laws
9 of any other state, or the laws of the United States, is
10 arrested for and charged with a probationable felony offense of
11 theft, retail theft, forgery, possession of a stolen motor
12 vehicle, burglary, possession of burglary tools, possession of
13 cannabis, possession of a controlled substance, or possession
14 of methamphetamine, the court, with the consent of the
15 defendant and the State's Attorney, may continue this matter to
16 allow a defendant to participate and complete the Offender
17 Initiative Program.

18 (a-2) Exemptions. A defendant shall not be eligible for
19 this Program if the offense he or she has been arrested for and
20 charged with is a violent offense. For purposes of this
21 Program, a "violent offense" is any offense where bodily harm
22 was inflicted or where force was used against any person or
23 threatened against any person, any offense involving sexual
24 conduct, sexual penetration, or sexual exploitation, any
25 offense of domestic violence, domestic battery, violation of an
26 order of protection, stalking, hate crime, driving under the

1 influence of drugs or alcohol, and any offense involving the
2 possession of a firearm or dangerous weapon. A defendant shall
3 not be eligible for this Program if he or she has previously
4 been adjudicated a delinquent minor for the commission of a
5 violent offense as defined in this subsection.

6 (b) When a defendant is placed in the Program, after both
7 the defendant and State's Attorney waive preliminary hearing
8 pursuant to Section 109-3 of the Code of Criminal Procedure of
9 1963, the court shall enter an order specifying that the
10 proceedings shall be suspended while the defendant is
11 participating in a Program of not less 12 months.

12 (c) The conditions of the Program shall be that the
13 defendant:

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

16 (2) refrain from possessing a firearm or other
17 dangerous weapon;

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

20 (4) obtain employment or perform not less than 30 hours
21 of community service, provided community service is
22 available in the county and is funded and approved by the
23 county board; and

24 (5) attend educational courses designed to prepare the
25 defendant for obtaining a high school diploma or to work
26 toward passing high school equivalency testing or to work

1 toward completing a vocational training program.

2 (c-1) The court may give credit toward the fulfillment of
3 community service hours for participation in activities and
4 treatment as determined by court services.

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

7 (1) undergo medical or psychiatric treatment, or
8 treatment or rehabilitation approved by the Illinois
9 Department of Human Services;

10 (2) refrain from having in his or her body the presence
11 of any illicit drug prohibited by the Methamphetamine
12 Control and Community Protection Act, the Cannabis Control
13 Act or the Illinois Controlled Substances Act, unless
14 prescribed by a physician, and submit samples of his or her
15 blood or urine or both for tests to determine the presence
16 of any illicit drug;

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

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

20 (5) in addition, if a minor:

21 (i) reside with his or her parents or in a foster
22 home;

23 (ii) attend school;

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

25 or

26 (iv) contribute to his or her own support at home

1 or in a foster home.

2 (e) When the State's Attorney makes a factually specific
3 offer of proof that the defendant has failed to successfully
4 complete the Program or has violated any of the conditions of
5 the Program, the court shall enter an order that the defendant
6 has not successfully completed the Program and continue the
7 case for arraignment pursuant to Section 113-1 of the Code of
8 Criminal Procedure of 1963 for further proceedings as if the
9 defendant had not participated in the Program.

10 (f) Upon fulfillment of the terms and conditions of the
11 Program, the State's Attorney shall dismiss the case or the
12 court shall discharge the person and dismiss the proceedings
13 against the person.

14 (g) There may be only one discharge and dismissal under
15 this Section with respect to any person.

16 (h) Notwithstanding subsection (a-1), if the court finds
17 that the defendant suffers from a substance abuse problem, then
18 before the person participates in the Program under this
19 Section, the court may refer the person to the drug court
20 established in that judicial circuit pursuant to Section 15 of
21 the Drug Court Treatment Act. The drug court team shall
22 evaluate the person's likelihood of successfully fulfilling
23 the terms and conditions of the Program under this Section and
24 shall report the results of its evaluation to the court. If the
25 drug court team finds that the person suffers from a substance
26 abuse problem that makes him or her substantially unlikely to

1 successfully fulfill the terms and conditions of the Program,
2 then the drug court shall set forth its findings in the form of
3 a written order, and the person shall be ineligible to
4 participate in the Program under this Section, but may be
5 considered for the drug court program.

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

7 (Text of Section after amendment by P.A. 100-3)

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

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

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

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

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

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

23 (c) The conditions of the Program shall be that the
24 defendant:

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

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

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

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

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

13 (c-1) The court may give credit toward the fulfillment of
14 community service hours for participation in activities and
15 treatment as determined by court services.

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

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

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

1 of any illicit drug;

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

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

5 (5) in addition, if a minor:

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

8 (ii) attend school;

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

10 or

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

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

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

25 (g) A person may only have one discharge and dismissal
26 under this Section within a 4-year period.

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

17 (Source: P.A. 99-480, eff. 9-9-15; 100-3, eff. 1-1-18.)

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

19 (Text of Section before amendment by P.A. 100-3)

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

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

1 Substances Act, Section 70 of the Methamphetamine Control and
2 Community Protection Act, Section 10 of the Cannabis Control
3 Act, subsection (c) of Section 11-14 of the Criminal Code of
4 2012, Treatment Alternatives for Criminal Justice Clients
5 (TASC) under Article 40 of the Alcoholism and Other Drug Abuse
6 and Dependency Act, or prior successful completion of the
7 Offender Initiative Program under Section 5-6-3.3 of this Code,
8 and pleads guilty to, or is found guilty of, a probationable
9 felony offense of possession of a controlled substance that is
10 punishable as a Class 4 felony; possession of methamphetamine
11 that is punishable as a Class 4 felony; theft that is
12 punishable as a Class 3 felony based on the value of the
13 property or punishable as a Class 4 felony if the theft was
14 committed in a school or place of worship or if the theft was
15 of governmental property; retail theft that is punishable as a
16 Class 3 felony based on the value of the property; criminal
17 damage to property that is punishable as a Class 4 felony;
18 criminal damage to government supported property that is
19 punishable as a Class 4 felony; or possession of cannabis which
20 is punishable as a Class 4 felony, the court, with the consent
21 of the defendant and the State's Attorney, may, without
22 entering a judgment, sentence the defendant to probation under
23 this Section.

24 (a-1) Exemptions. A defendant is not eligible for this
25 probation if the offense he or she pleads guilty to, or is
26 found guilty of, is a violent offense, or he or she has

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

13 (b) When a defendant is placed on probation, the court
14 shall enter an order specifying a period of probation of not
15 less than 24 months and shall defer further proceedings in the
16 case until the conclusion of the period or until the filing of
17 a petition alleging violation of a term or condition of
18 probation.

19 (c) The conditions of probation shall be that the
20 defendant:

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

23 (2) refrain from possessing a firearm or other
24 dangerous weapon;

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

1 (4) obtain or attempt to obtain employment;

2 (5) pay fines and costs;

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

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

11 (8) perform a minimum of 30 hours of community service.
12 The court may give credit toward the fulfillment of
13 community service hours for participation in activities
14 and treatment as determined by court services.

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

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

21 (2) undergo medical or psychiatric treatment, or
22 treatment or rehabilitation approved by the Illinois
23 Department of Human Services;

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

26 (4) support his or her dependents; or

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

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

11 (f) Upon fulfillment of the terms and conditions of
12 probation, the court shall discharge the person and dismiss the
13 proceedings against the person.

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

20 (h) There may be only one discharge and dismissal under
21 this Section, Section 410 of the Illinois Controlled Substances
22 Act, Section 70 of the Methamphetamine Control and Community
23 Protection Act, Section 10 of the Cannabis Control Act,
24 Treatment Alternatives for Criminal Justice Clients (TASC)
25 under Article 40 of the Alcoholism and Other Drug Abuse and
26 Dependency Act, the Offender Initiative Program under Section

1 5-6-3.3 of this Code, and subsection (c) of Section 11-14 of
2 the Criminal Code of 2012 with respect to any person.

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

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

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

1 (Text of Section after amendment by P.A. 100-3)

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

3 (a) Whenever any person who has not previously been
4 convicted of any felony offense under the laws of this State,
5 the laws of any other state, or the laws of the United States,
6 and pleads guilty to, or is found guilty of, possession of less
7 than 15 grams of a controlled substance; possession of less
8 than 15 grams of methamphetamine; or a probationable felony
9 offense of possession of cannabis, theft, retail theft,
10 forgery, deceptive practices, possession of a stolen motor
11 vehicle, burglary, possession of burglary tools, disorderly
12 conduct, criminal damage or trespass to property under Article
13 21 of the Criminal Code of 2012, criminal trespass to a
14 residence, an offense involving fraudulent identification, or
15 obstructing justice; or possession of cannabis, the court, with
16 the consent of the defendant and the State's Attorney, may,
17 without entering a judgment, sentence the defendant to
18 probation under this Section.

19 (a-1) Exemptions. A defendant is not eligible for this
20 probation if the offense he or she pleads guilty to, or is
21 found guilty of, is a violent offense, or he or she has
22 previously been convicted of a violent offense. For purposes of
23 this probation, a "violent offense" is any offense where bodily
24 harm was inflicted or where force was used against any person
25 or threatened against any person, any offense involving sexual
26 conduct, sexual penetration, or sexual exploitation, any

1 offense of domestic violence, domestic battery, violation of an
2 order of protection, stalking, hate crime, and any offense
3 involving the possession of a firearm or dangerous weapon. A
4 defendant shall not be eligible for this probation if he or she
5 has previously been adjudicated a delinquent minor for the
6 commission of a violent offense as defined in this subsection.

7 (b) When a defendant is placed on probation, the court
8 shall enter an order specifying a period of probation of not
9 less than 24 months and shall defer further proceedings in the
10 case until the conclusion of the period or until the filing of
11 a petition alleging violation of a term or condition of
12 probation.

13 (c) The conditions of probation shall be that the
14 defendant:

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

17 (2) refrain from possessing a firearm or other
18 dangerous weapon;

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

21 (4) obtain or attempt to obtain employment;

22 (5) pay fines and costs;

23 (6) attend educational courses designed to prepare the
24 defendant for obtaining a high school diploma or to work
25 toward passing high school equivalency testing or to work
26 toward completing a vocational training program;

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

5 (8) perform a minimum of 30 hours of community service.
6 The court may give credit toward the fulfillment of
7 community service hours for participation in activities
8 and treatment as determined by court services.

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

11 (1) make a report to and appear in person before or
12 participate with the court or such courts, person, or
13 social service agency as directed by the court in the order
14 of probation;

15 (2) undergo medical or psychiatric treatment, or
16 treatment or rehabilitation approved by the Illinois
17 Department of Human Services;

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

20 (4) support his or her dependents; or

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

1 of any illicit drug.

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

5 (f) Upon fulfillment of the terms and conditions of
6 probation, the court shall discharge the person and dismiss the
7 proceedings against the person.

8 (g) A disposition of probation is considered to be a
9 conviction for the purposes of imposing the conditions of
10 probation and for appeal; however, a discharge and dismissal
11 under this Section is not a conviction for purposes of this
12 Code or for purposes of disqualifications or disabilities
13 imposed by law upon conviction of a crime.

14 (h) A person may only have one discharge and dismissal
15 under this Section within a 4-year period.

16 (i) If a person is convicted of any offense which occurred
17 within 5 years subsequent to a discharge and dismissal under
18 this Section, the discharge and dismissal under this Section
19 shall be admissible in the sentencing proceeding for that
20 conviction as evidence in aggravation.

21 (j) Notwithstanding subsection (a), if the court finds that
22 the defendant suffers from a substance abuse problem, then
23 before the person is placed on probation under this Section,
24 the court may refer the person to the drug court established in
25 that judicial circuit pursuant to Section 15 of the Drug Court
26 Treatment Act. The drug court team shall evaluate the person's

1 likelihood of successfully fulfilling the terms and conditions
2 of probation under this Section and shall report the results of
3 its evaluation to the court. If the drug court team finds that
4 the person suffers from a substance abuse problem that makes
5 him or her substantially unlikely to successfully fulfill the
6 terms and conditions of probation under this Section, then the
7 drug court shall set forth its findings in the form of a
8 written order, and the person shall be ineligible to be placed
9 on probation under this Section, but shall be considered for
10 the drug court program.

11 (Source: P.A. 99-480, eff. 9-9-15; 100-3, eff. 1-1-18.)

12 (730 ILCS 5/5-8A-3) (from Ch. 38, par. 1005-8A-3)

13 Sec. 5-8A-3. Application.

14 (a) Except as provided in subsection (d), a person charged
15 with or convicted of an excluded offense may not be placed in
16 an electronic monitoring or home detention program, except for
17 bond pending trial or appeal or while on parole, aftercare
18 release, or mandatory supervised release.

19 (b) A person serving a sentence for a conviction of a Class
20 1 felony, other than an excluded offense, may be placed in an
21 electronic monitoring or home detention program for a period
22 not to exceed the last 90 days of incarceration.

23 (c) A person serving a sentence for a conviction of a Class
24 X felony, other than an excluded offense, may be placed in an
25 electronic monitoring or home detention program for a period

1 not to exceed the last 90 days of incarceration, provided that
2 the person was sentenced on or after August 11, 1993 (the
3 effective date of Public Act 88-311) and provided that the
4 court has not prohibited the program for the person in the
5 sentencing order.

6 (d) A person serving a sentence for conviction of an
7 offense other than for predatory criminal sexual assault of a
8 child, aggravated criminal sexual assault, criminal sexual
9 assault, aggravated criminal sexual abuse, or felony criminal
10 sexual abuse, may be placed in an electronic monitoring or home
11 detention program for a period not to exceed the last 12 months
12 of incarceration, provided that (i) the person is 55 years of
13 age or older; (ii) the person is serving a determinate
14 sentence; (iii) the person has served at least 25% of the
15 sentenced prison term; and (iv) placement in an electronic
16 monitoring or home detention program is approved by the
17 Prisoner Review Board or the Department of Juvenile Justice.

18 (e) A person serving a sentence for conviction of a Class
19 2, 3, or 4 felony offense which is not an excluded offense may
20 be placed in an electronic monitoring or home detention program
21 pursuant to Department administrative directives. These
22 directives shall encourage inmates to apply for electronic
23 detention to incentivize positive behavior and program
24 participation prior to and following their return to the
25 community, consistent with Section 5-8A-4.2 of this Code. These
26 directives shall not prohibit application solely for prior

1 mandatory supervised release violation history, outstanding
2 municipal warrants, current security classification, and prior
3 criminal history, though these factors may be considered when
4 reviewing individual applications in conjunction with
5 additional factors, such as the applicant's institution
6 behavior, program participation, and reentry plan.

7 (f) Applications for electronic monitoring or home
8 detention may include the following:

- 9
- 10 (1) pretrial or pre-adjudicatory detention;
 - 11 (2) probation;
 - 12 (3) conditional discharge;
 - 13 (4) periodic imprisonment;
 - 14 (5) parole, aftercare release, or mandatory supervised
15 release;
 - 16 (6) work release;
 - 17 (7) furlough; or
 - 18 (8) post-trial incarceration.

19 (g) A person convicted of an offense described in clause
20 (4) or (5) of subsection (d) of Section 5-8-1 of this Code
21 shall be placed in an electronic monitoring or home detention
22 program for at least the first 2 years of the person's
23 mandatory supervised release term.

24 (Source: P.A. 99-628, eff. 1-1-17; 99-797, eff. 8-12-16;
25 100-201, eff. 8-18-17; 100-431, eff. 8-25-17.)

1 (730 ILCS 5/5-8A-4.2 new)

2 Sec. 5-8A-4.2. Successful transition to the community.

3 (a) The Department shall engage in reentry planning to
4 include individualized case planning for persons preparing to
5 be released to the community. This planning shall begin at
6 intake and be supported throughout the term of incarceration,
7 with a focused emphasis in the year prior to the inmate's
8 mandatory statutory release date. All inmates within one year
9 of their mandatory statutory release data shall be deemed to be
10 in reentry status. The Department shall develop administrative
11 directives to define reentry status based on the requirements
12 of this Section.

13 (b) The Department shall develop incentives to increase
14 program and treatment participation, positive behavior, and
15 readiness to change.

16 (c) The Department shall coordinate with, and provide
17 access for, community partners and State and local government
18 agencies to support successful transitions through assistance
19 in planning and by providing appropriate programs to inmates in
20 reentry status. The Department shall work with community
21 partners and appropriate state agencies to support the
22 successful transitions through assistance in planning and by
23 providing appropriate programs to persons prior to release.
24 Release planning shall include, but is not limited to:

25 (1) necessary documentation to include birth
26 certificate, social security card, and identification

1 card;

2 (2) vocational or educational short-term and long-term
3 goals;

4 (3) financial literacy and planning to include
5 payments of fines, fees, restitution, child support, and
6 other debt;

7 (4) access to healthcare, mental healthcare, and
8 chemical dependency treatment;

9 (5) living and transportation arrangements; and

10 (6) family reunification, if appropriate, and
11 pro-social support networks.

12 (d) The Department shall expand the use of electronic
13 detention to support more successful transitions through a more
14 graduated reintegration into the community. The Department
15 shall transition 150 persons through electronic detention by
16 fiscal year 2019 and 300 during fiscal year 2020. The General
17 Assembly shall assess these transitions in fiscal year 2021 and
18 set additional benchmarks as appropriate.

19 (e) The Illinois Housing Development Authority shall
20 create a Frequent Users Systems Engagement (FUSE) Re-Entry
21 rental subsidy supportive housing program for the most
22 vulnerable persons exiting the Department of Corrections. The
23 Re-Entry rental subsidy supportive housing program shall be
24 targeted to persons with disabilities who have a history of
25 incarcerations, hospitalizations, and homelessness. The
26 Illinois Housing Development Authority, the Department of

1 Human Services Statewide Housing Coordinator, stakeholders,
2 and the Department of Corrections shall adopt policies and
3 procedures for the FUSE Re-Entry rental subsidy supportive
4 housing program including eligibility criteria, geographic
5 distribution, and documentation requirements which are similar
6 to the Rental Housing Support Program. The funding formula for
7 this program shall be developed by calculating the number of
8 prison bed days saved through the timely releases that would
9 not be possible but for the Re-Entry rental subsidy supportive
10 housing program. Funding shall include administrative costs
11 for the Illinois Housing Development Authority to operate the
12 program.

13 (f) The Department shall report to the General Assembly on
14 or before January 1, 2019, and annually thereafter, on these
15 activities to support successful transitions to the community.
16 This report shall include the following information regarding
17 persons released from the Department:

18 (1) the total number of persons released each year
19 listed by county;

20 (2) the number of persons assessed as having a high or
21 moderate criminogenic need who have completed programming
22 addressing that criminogenic need prior to release listed
23 by program and county;

24 (3) the number of persons released in the reporting
25 year who have engaged in pre-release planning prior to
26 their release listed by county;

1 (4) the number of persons who have been released to
2 electronic detention prior to their mandatory supervised
3 release date;

4 (5) the number of persons who have been released after
5 their mandatory supervised release date, average time past
6 mandatory supervised release date, and reasons held past
7 mandatory supervised release date; and

8 (6) when implemented, the number of Frequent Users
9 Systems Engagement (FUSE) Re-Entry rental subsidy
10 supportive housing program participants and average prison
11 bed days saved.

12 Section 35. The Crime Victims Compensation Act is amended
13 by changing Section 6.1 as follows:

14 (740 ILCS 45/6.1) (from Ch. 70, par. 76.1)

15 Sec. 6.1. Right to compensation. A person is entitled to
16 compensation under this Act if:

17 (a) Within 2 years of the occurrence of the crime, or
18 within one year after a criminal charge of a person for an
19 offense, upon which the claim is based, he files an
20 application, under oath, with the Court of Claims and on a
21 form prescribed in accordance with Section 7.1 furnished by
22 the Attorney General. If the person entitled to
23 compensation is under 18 years of age or under other legal
24 disability at the time of the occurrence or is determined

1 by a court to be under a legal disability as a result of
2 the occurrence, he may file the application required by
3 this subsection within 2 years after he attains the age of
4 18 years or the disability is removed, as the case may be.
5 Legal disability includes a diagnosis of posttraumatic
6 stress disorder.

7 (b) For all crimes of violence, except those listed in
8 subsection (b-1) of this Section, the appropriate law
9 enforcement officials were notified within 72 hours of the
10 perpetration of the crime allegedly causing the death or
11 injury to the victim or, in the event such notification was
12 made more than 72 hours after the perpetration of the
13 crime, the applicant establishes that such notice was
14 timely under the circumstances.

15 (b-1) For victims of offenses defined in Sections
16 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,
17 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961 or
18 the Criminal Code of 2012, the appropriate law enforcement
19 officials were notified within 7 days of the perpetration
20 of the crime allegedly causing death or injury to the
21 victim or, in the event that the notification was made more
22 than 7 days after the perpetration of the crime, the
23 applicant establishes that the notice was timely under the
24 circumstances. If the applicant or victim has obtained an
25 order of protection, a civil no contact order, or a
26 stalking no contact order, or has presented himself or

1 herself to a hospital for sexual assault evidence
2 collection and medical care, such action shall constitute
3 appropriate notification under this subsection (b-1) or
4 subsection (b) of this Section.

5 (c) The applicant has cooperated with law enforcement
6 officials in the apprehension and prosecution of the
7 assailant, except an applicant who was under 18 years of
8 age at the time of the commission of the crime of violence
9 and who suffers emotional or psychological injury, the
10 proximate cause of which was the crime of violence, and who
11 is not eligible for reimbursement of the costs of
12 outpatient mental health counseling under this Act, shall
13 be eligible for reimbursement under this subsection (c), by
14 submitting to the provider, on a form prescribed by the
15 Attorney General, information in support of reimbursement
16 of the costs of outpatient mental health counseling, which
17 the provider shall submit to the Court of Claims. If the
18 applicant or victim has obtained an order of protection, a
19 civil no contact order, or a stalking no contact order or
20 has presented himself or herself to a hospital for sexual
21 assault evidence collection and medical care, such action
22 shall constitute cooperation under this subsection (c).

23 (d) The applicant is not the offender or an accomplice
24 of the offender and the award would not unjustly benefit
25 the offender or his accomplice.

26 (e) The injury to or death of the victim was not

1 substantially attributable to his own wrongful act and was
2 not substantially provoked by the victim.

3 (f) For victims of offenses defined in Section 10-9 of
4 the Criminal Code of 2012, the victim submits a statement
5 under oath on a form prescribed by the Attorney General
6 attesting that the removed tattoo was applied in connection
7 with the commission of the offense.

8 (Source: P.A. 98-435, eff. 1-1-14; 99-143, eff. 7-27-15.)

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

16 Section 99. Effective date. This Act takes effect upon
17 becoming law."