



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB0320

by Rep. Scott Drury

#### SYNOPSIS AS INTRODUCED:

730 ILCS 5/5-5-3

from Ch. 38, par. 1005-5-3

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

LRB100 04205 SLF 14211 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

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

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

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

7 Sec. 5-5-3. Disposition.

8 (a) (Blank).

9 (b) (Blank).

10 (c) (1) (Blank).

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

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

19 (B) Attempted first degree murder.

20 (C) A Class X felony.

21 (D) A violation of Section 401.1 or 407 of the Illinois  
22 Controlled Substances Act, or a violation of subdivision  
23 (c) (1.5) or (c) (2) of Section 401 of that Act which relates

1 to more than 5 grams of a substance containing cocaine,  
2 fentanyl, or an analog thereof.

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

7 (E) A violation of Section 5.1 or 9 of the Cannabis  
8 Control Act.

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

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

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

26 (H) Criminal sexual assault.

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

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

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

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

16 (K) Vehicular hijacking.

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

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

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

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

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

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

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

11 (S) (Blank).

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

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

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

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

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

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

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

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

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

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

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

1           \$500,000 or more.

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

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

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

23           (3) (Blank).

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

1 the Illinois Vehicle Code.

2 (4.1) (Blank).

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

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

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

16 (4.5) A minimum term of imprisonment of 30 days shall be  
17 imposed for a third violation of subsection (c) of Section  
18 6-303 of the Illinois Vehicle Code.

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

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



1 that Section.

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

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

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

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

23 (A) a period of conditional discharge;

24 (B) a fine;

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

1           (5.1) In addition to any other penalties imposed, and  
2 except as provided in paragraph (5.2) or (5.3), a person  
3 convicted of violating subsection (c) of Section 11-907 of the  
4 Illinois Vehicle Code shall have his or her driver's license,  
5 permit, or privileges suspended for at least 90 days but not  
6 more than one year, if the violation resulted in damage to the  
7 property of another person.

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

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

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

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

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

6 (6) (Blank).

7 (7) (Blank).

8 (8) (Blank).

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

12 (10) (Blank).

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

1 person recognized as a coach by the sanctioning authority that  
2 conducted the sporting event.

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

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

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

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

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

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

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

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

23 (i) removal from the household;

24 (ii) restricted contact with the victim;

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

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

2 and

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

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

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

19 For the purposes of this Section, "family member" and  
20 "victim" shall have the meanings ascribed to them in Section  
21 11-0.1 of the Criminal Code of 2012.

22 (f) (Blank).

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

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

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

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

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



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

25 (i) All fines and penalties imposed under this Section for  
26 any violation of Chapters 3, 4, 6, and 11 of the Illinois

1 Vehicle Code, or a similar provision of a local ordinance, and  
2 any violation of the Child Passenger Protection Act, or a  
3 similar provision of a local ordinance, shall be collected and  
4 disbursed by the circuit clerk as provided under Section 27.5  
5 of the Clerks of Courts Act.

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

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

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

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

13 (k) (Blank).

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

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

25 (2) the deportation of the defendant would not  
26 deprecate the seriousness of the defendant's conduct and

1 would not be inconsistent with the ends of justice.

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

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

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

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

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

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

1 sentencing court, which may impose any sentence that was  
2 available under Section 5-5-3 at the time of initial  
3 sentencing. In addition, the defendant shall not be eligible  
4 for additional sentence credit for good conduct as provided  
5 under Section 3-6-3.

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

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

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

26 (Source: P.A. 98-718, eff. 1-1-15; 98-756, eff. 7-16-14;

1 99-143, eff. 7-27-15; 99-885, eff. 8-23-16.)