



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB5980

by Rep. Peter Breen

SYNOPSIS AS INTRODUCED:

720 ILCS 5/32-10
730 ILCS 5/5-5-3

from Ch. 38, par. 32-10
from Ch. 38, par. 1005-5-3

Amends the Criminal Code of 2012. Provides that a person who, having been admitted to bail for appearance before any court of this State, incurs a forfeiture of the bail and knowingly fails to surrender himself or herself within 30 days following the date of the forfeiture, commits, if the bail was given in connection with a charge of felony or pending appeal or certiorari after conviction of any offense, a felony of the same (rather than next lower) Class. Deletes language providing that the person commits a Class A misdemeanor if the underlying offense was a Class 4 felony. Deletes language providing that if the bail was given in connection with a charge of committing a misdemeanor, or for appearance as a witness, that the person commits a misdemeanor of the next lower Class, but not less than a Class C misdemeanor. Amends the Unified Code of Corrections. Provides that a period of probation, a term of periodic imprisonment or conditional discharge shall not be imposed for a Class 4 or greater felony violation of the offense of violation of bail bond.

LRB100 23930 RLC 43003 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 Criminal Code of 2012 is amended by changing
5 Section 32-10 as follows:

6 (720 ILCS 5/32-10) (from Ch. 38, par. 32-10)

7 Sec. 32-10. Violation of bail bond.

8 (a) Whoever, having been admitted to bail for appearance
9 before any court of this State, incurs a forfeiture of the bail
10 and knowingly fails to surrender himself or herself within 30
11 days following the date of the forfeiture, commits, if the bail
12 was given in connection with a charge of felony or pending
13 appeal or certiorari after conviction of any offense, a felony
14 of the same ~~next lower Class or a Class A misdemeanor if the~~
15 ~~underlying offense was a Class 4 felony; or, if the bail was~~
16 ~~given in connection with a charge of committing a misdemeanor,~~
17 ~~or for appearance as a witness, commits a misdemeanor of the~~
18 ~~next lower Class, but not less than a Class C misdemeanor.~~

19 (a-5) Any person who knowingly violates a condition of bail
20 bond by possessing a firearm in violation of his or her
21 conditions of bail commits a Class 4 felony for a first
22 violation and a Class 3 felony for a second or subsequent
23 violation.

1 (b) Whoever, having been admitted to bail for appearance
2 before any court of this State, while charged with a criminal
3 offense in which the victim is a family or household member as
4 defined in Article 112A of the Code of Criminal Procedure of
5 1963, knowingly violates a condition of that release as set
6 forth in Section 110-10, subsection (d) of the Code of Criminal
7 Procedure of 1963, commits a Class A misdemeanor.

8 (c) Whoever, having been admitted to bail for appearance
9 before any court of this State for a felony, Class A
10 misdemeanor or a criminal offense in which the victim is a
11 family or household member as defined in Article 112A of the
12 Code of Criminal Procedure of 1963, is charged with any other
13 felony, Class A misdemeanor, or a criminal offense in which the
14 victim is a family or household member as defined in Article
15 112A of the Code of Criminal Procedure of 1963 while on this
16 release, must appear before the court before bail is
17 statutorily set.

18 (d) Nothing in this Section shall interfere with or prevent
19 the exercise by any court of its power to punishment for
20 contempt. Any sentence imposed for violation of this Section
21 shall be served consecutive to the sentence imposed for the
22 charge for which bail had been granted and with respect to
23 which the defendant has been convicted.

24 (Source: P.A. 97-1108, eff. 1-1-13.)

25 Section 10. The Unified Code of Corrections is amended by

1 changing Section 5-5-3 as follows:

2 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

3 Sec. 5-5-3. Disposition.

4 (a) (Blank).

5 (b) (Blank).

6 (c) (1) (Blank).

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

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

15 (B) Attempted first degree murder.

16 (C) A Class X felony.

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

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

1 (E) (Blank).

2 (F) A Class 1 or greater felony if the offender had
3 been convicted of a Class 1 or greater felony, including
4 any state or federal conviction for an offense that
5 contained, at the time it was committed, the same elements
6 as an offense now (the date of the offense committed after
7 the prior Class 1 or greater felony) classified as a Class
8 1 or greater felony, within 10 years of the date on which
9 the offender committed the offense for which he or she is
10 being sentenced, except as otherwise provided in Section
11 40-10 of the Alcoholism and Other Drug Abuse and Dependency
12 Act.

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

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

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

4 (H) Criminal sexual assault.

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

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

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

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

20 (K) Vehicular hijacking.

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

25 (M) A second or subsequent conviction for the offense
26 of institutional vandalism if the damage to the property

1 exceeds \$300.

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

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

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

10 (Q) A violation of subsection (b) or (b-5) of Section
11 20-1, Section 20-1.2, or Section 20-1.3 of the Criminal
12 Code of 1961 or the Criminal Code of 2012.

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

15 (S) (Blank).

16 (S-5) A Class 4 or greater felony violation of Section
17 32-10 of the Criminal Code of 1961 or the Criminal Code of
18 2012.

19 (T) (Blank).

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

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

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

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

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

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

26 (AA) Theft of property exceeding \$500,000 and not

1 exceeding \$1,000,000 in value.

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

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

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

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

16 (3) (Blank).

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

21 (4.1) (Blank).

22 (4.2) Except as provided in paragraphs (4.3) and (4.8) of
23 this subsection (c), a minimum of 100 hours of community
24 service shall be imposed for a second violation of Section
25 6-303 of the Illinois Vehicle Code.

26 (4.3) A minimum term of imprisonment of 30 days or 300

1 hours of community service, as determined by the court, shall
2 be imposed for a second violation of subsection (c) of Section
3 6-303 of the Illinois Vehicle Code.

4 (4.4) Except as provided in paragraphs (4.5), (4.6), and
5 (4.9) of this subsection (c), a minimum term of imprisonment of
6 30 days or 300 hours of community service, as determined by the
7 court, shall be imposed for a third or subsequent violation of
8 Section 6-303 of the Illinois Vehicle Code. The court may give
9 credit toward the fulfillment of community service hours for
10 participation in activities and treatment as determined by
11 court services.

12 (4.5) A minimum term of imprisonment of 30 days shall be
13 imposed for a third violation of subsection (c) of Section
14 6-303 of the Illinois Vehicle Code.

15 (4.6) Except as provided in paragraph (4.10) of this
16 subsection (c), a minimum term of imprisonment of 180 days
17 shall be imposed for a fourth or subsequent violation of
18 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

19 (4.7) A minimum term of imprisonment of not less than 30
20 consecutive days, or 300 hours of community service, shall be
21 imposed for a violation of subsection (a-5) of Section 6-303 of
22 the Illinois Vehicle Code, as provided in subsection (b-5) of
23 that Section.

24 (4.8) A mandatory prison sentence shall be imposed for a
25 second violation of subsection (a-5) of Section 6-303 of the
26 Illinois Vehicle Code, as provided in subsection (c-5) of that

1 Section. The person's driving privileges shall be revoked for a
2 period of not less than 5 years from the date of his or her
3 release from prison.

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

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

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

19 (A) a period of conditional discharge;

20 (B) a fine;

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

23 (5.1) In addition to any other penalties imposed, and
24 except as provided in paragraph (5.2) or (5.3), a person
25 convicted of violating subsection (c) of Section 11-907 of the
26 Illinois Vehicle Code shall have his or her driver's license,

1 permit, or privileges suspended for at least 90 days but not
2 more than one year, if the violation resulted in damage to the
3 property of another person.

4 (5.2) In addition to any other penalties imposed, and
5 except as provided in paragraph (5.3), a person convicted of
6 violating subsection (c) of Section 11-907 of the Illinois
7 Vehicle Code shall have his or her driver's license, permit, or
8 privileges suspended for at least 180 days but not more than 2
9 years, if the violation resulted in injury to another person.

10 (5.3) In addition to any other penalties imposed, a person
11 convicted of violating subsection (c) of Section 11-907 of the
12 Illinois Vehicle Code shall have his or her driver's license,
13 permit, or privileges suspended for 2 years, if the violation
14 resulted in the death of another person.

15 (5.4) In addition to any other penalties imposed, a person
16 convicted of violating Section 3-707 of the Illinois Vehicle
17 Code shall have his or her driver's license, permit, or
18 privileges suspended for 3 months and until he or she has paid
19 a reinstatement fee of \$100.

20 (5.5) In addition to any other penalties imposed, a person
21 convicted of violating Section 3-707 of the Illinois Vehicle
22 Code during a period in which his or her driver's license,
23 permit, or privileges were suspended for a previous violation
24 of that Section shall have his or her driver's license, permit,
25 or privileges suspended for an additional 6 months after the
26 expiration of the original 3-month suspension and until he or

1 she has paid a reinstatement fee of \$100.

2 (6) (Blank).

3 (7) (Blank).

4 (8) (Blank).

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

8 (10) (Blank).

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

25 (12) A person may not receive a disposition of court
26 supervision for a violation of Section 5-16 of the Boat

1 Registration and Safety Act if that person has previously
2 received a disposition of court supervision for a violation of
3 that Section.

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

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

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

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

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

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

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

19 (i) removal from the household;

20 (ii) restricted contact with the victim;

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

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

24 and

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

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

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

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

18 (f) (Blank).

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

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

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

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

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

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

21 (i) All fines and penalties imposed under this Section for
22 any violation of Chapters 3, 4, 6, and 11 of the Illinois
23 Vehicle Code, or a similar provision of a local ordinance, and
24 any violation of the Child Passenger Protection Act, or a
25 similar provision of a local ordinance, shall be collected and
26 disbursed by the circuit clerk as provided under Section 27.5

1 of the Clerks of Courts Act.

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

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

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

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

9 (k) (Blank).

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

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

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

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

26 (B) If the defendant has already been sentenced for a

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

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

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

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

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

1 3-6-3.

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

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

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

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