



Sen. Patricia Van Pelt

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1 AMENDMENT TO SENATE BILL 233

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 233 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the Gun  
5 Violence Reduction Act.

6 Section 5. Legislative findings.

7 (a) The General Assembly finds that some communities of  
8 this State are ravaged by violence and that a substantial and  
9 disproportionate amount of serious crimes are committed by  
10 persons who unlawfully possess firearms. The General Assembly  
11 finds that this State's unusually long mandatory prison  
12 sentences for gun possession and gun violence have failed to  
13 adequately protect public safety and that more aggressive and  
14 tailored approaches to address these behaviors are required.

15 (b) It is the intent of the General Assembly to promote in  
16 every community public safety, public health, criminal

1 justice, and regulatory systems capable of reducing the illegal  
2 trade, possession, and public carrying of illegal firearms, as  
3 well as enabling victims suffering injuries from firearms to  
4 seek redress against negligent businesses and insufficient  
5 regulatory actions that widen public safety disparities  
6 between citizens of this State.

7 (c) To carry out this intent, the General Assembly declares  
8 the following purposes of this Act:

9 (1) to protect communities from gun violence through  
10 targeted intervention programs, including improving family  
11 violence prevention, community trauma treatment rates, gun  
12 injury victim services, and public health prevention  
13 activities;

14 (2) to substantially reduce both the total amount of  
15 gun violence in this State and its  
16 racially-disproportionate impact;

17 (3) to intervene with persons who violate gun  
18 possession laws in a risk-responsive manner that decreases  
19 the likelihood of any future violent incidents and equips  
20 those who have previously violated gun laws to live  
21 responsibly and safely;

22 (4) to shrink illegal firearm markets and transfers by  
23 reducing both supply and demand for weapons, particularly  
24 handguns, outside of lawful purposes; and

25 (5) to promote employment infrastructure in community  
26 areas with the highest concentrations of gun violence.

1 (d) The ability of children, teenagers, and young adults to  
2 participate freely in education, employment, and civic life  
3 without any exposure to illegal weapons or gun violence,  
4 facilitating their safe and stable future prospects, shall be  
5 the central purpose of any initiatives included in this Act.

6 Section 10. Definitions. In this Act:

7 "Carrier" means a motor carrier or rail carrier that  
8 transports property through this State other than a private  
9 carrier.

10 "Firearm" has the meaning ascribed to the term in Section  
11 1.1 of the Firearm Owners Identification Card Act.

12 "SAFE Zones" means a Safety and Full Employment Zone as  
13 designated under Section 7.3 of the Illinois Criminal Justice  
14 Information Authority Act.

15 Section 15. Priority of funding for gun violence  
16 initiatives.

17 (a) The Department of Human Services, the Department of  
18 Public Health, the State Board of Education, the Department of  
19 Juvenile Justice, the Department of Commerce and Economic  
20 Opportunity, the Department of Healthcare and Family Services  
21 and any other relevant State agency shall, in conjunction with  
22 other public or private funding sources, prioritize funding  
23 for:

24 (1) family violence prevention services and positive

1 parenting support;

2 (2) intervention programs that are designed to  
3 immediately prevent and intervene in gun violence;

4 (3) improved community trauma treatment;

5 (4) expanded firearm injury victim services, including  
6 activities aimed at trauma recovery and violence  
7 prevention and social services, including job connections  
8 or other resources to reduce risk factors;

9 (5) studies concerning the nature and prevalence of  
10 illegal firearm carrying, independent of law enforcement  
11 contact, to help identify the scale of illegal firearm  
12 possession in this State and determine risk and protective  
13 factors for violence among illegal possessors; and

14 (6) professional development for human service and  
15 community-based programs in family violence prevention,  
16 community violence prevention, and trauma recovery.

17 (b) All services provided should use restorative,  
18 evidence-informed methodologies such as practices identified  
19 by the National Child Traumatic Stress Network, the Centers for  
20 Disease Control's Youth Violence Prevention Strategies, or  
21 other similar resources.

22 (c) Public health approaches for violence prevention  
23 should be taken statewide, but be significantly elevated for  
24 support and services given to youth residing in SAFE Zones.

25 Section 20. Population-based distribution. On and after

1 January 1, 2018, population calculations for State and local  
2 reimbursed share of State income, sales, and federal  
3 population-based distributed funds shall be based on zip codes  
4 of origin for incarcerated persons. SAFE Zones shall be  
5 prioritized for all State reimbursement and formula  
6 distributions.

7 Section 25. Carrier transportation of firearms or firearm  
8 ammunition; civil action.

9 (a) A carrier operating in this State transporting firearms  
10 shall notify the Department of State Police if a shipment or  
11 standing cargo containing firearms remains at rest for 12 hours  
12 or more.

13 (b) A carrier operating in this State transporting firearms  
14 shall report a trespassing incident, a travel obstruction, or  
15 theft of firearms to local law enforcement. A carrier operating  
16 in this State transporting firearms shall maintain a log of  
17 trespassing incidents, travel obstructions, or theft and make  
18 the log available upon request to a law enforcement officer or  
19 law enforcement agency.

20 (c) An injured person, or in the case of his or her death  
21 his or her next of kin, may bring a civil against a carrier who  
22 negligently fails to secure a shipment or standing cargo  
23 containing firearms if that negligence is the proximate cause  
24 of an injury or death to the person injured. Evidence of  
25 negligence include, but is not limited to, insecure fencing or

1 other insecure locking mechanisms, insufficient security  
2 cameras or other electronic monitoring of the area,  
3 insufficient security personnel, or other insufficient  
4 security measures.

5 Section 125. The Illinois Criminal Justice Information Act  
6 is amended by adding Section 7.3 as follows:

7 (20 ILCS 3930/7.3 new)

8 Sec. 7.3. Safety and full employment zones. The Authority  
9 shall annually define and make available to the public an  
10 analysis of concentrated geographic areas, at the census tract  
11 level if possible, of extremely high levels of firearm violence  
12 and destabilization within this State. The criteria used to  
13 designate these areas shall include public health data  
14 concerning gunshot hospitalizations and the mortality rate per  
15 capita, and the per capita rate of parole or mandatory  
16 supervised release following incarceration in the Department  
17 of Corrections. The Authority shall define Safety and Full  
18 Employment (SAFE) Zones and reassess the boundaries to include  
19 other geographic areas on a regular basis as deemed necessary.  
20 SAFE Zones shall be used to:

21 (1) prioritize the support of the Department of  
22 Commerce and Economic Opportunity to focus on first source  
23 referral, local hire, and apprenticeship expansion  
24 programs;

1           (2) prioritize projects by the Capital Development  
2 Board;

3           (3) prioritize funding for the State Board of  
4 Education;

5           (4) prioritize residents for recruitment and hiring in  
6 State, regional, and local government;

7           (5) prioritize businesses that employ persons in the  
8 Department of Central Management Services procurement  
9 process;

10           (6) distribute funds for child care, early childhood  
11 education, afterschool programming, and employment  
12 programs for resident youth, further prioritizing agencies  
13 whose services are provided within SAFE Zones;

14           (7) engage in public-private partnerships to support  
15 targeted job programs for resident young adults, including  
16 young adults with felony records; and

17           (8) prioritize for State agencies to assist local  
18 jurisdictions with funding to provide community resource  
19 centers, counseling, and recreational opportunities  
20 located within the boundaries of SAFE Zones and primarily  
21 serving residents of SAFE Zones.

22           Section 130. The Criminal Code of 2012 is amended by  
23 changing Sections 24-1, 24-1.1, 24-1.6, and 24-1.8 as follows:

24           (720 ILCS 5/24-1) (from Ch. 38, par. 24-1)

1           Sec. 24-1. Unlawful use of weapons.

2           (a) A person commits the offense of unlawful use of weapons  
3 when he knowingly:

4           (1) Sells, manufactures, purchases, possesses or  
5 carries any bludgeon, black-jack, slung-shot, sand-club,  
6 sand-bag, metal knuckles or other knuckle weapon  
7 regardless of its composition, throwing star, or any knife,  
8 commonly referred to as a switchblade knife, which has a  
9 blade that opens automatically by hand pressure applied to  
10 a button, spring or other device in the handle of the  
11 knife, or a ballistic knife, which is a device that propels  
12 a knifelike blade as a projectile by means of a coil  
13 spring, elastic material or compressed gas; or

14           (2) Carries or possesses with intent to use the same  
15 unlawfully against another, a dagger, dirk, billy,  
16 dangerous knife, razor, stiletto, broken bottle or other  
17 piece of glass, stun gun or taser or any other dangerous or  
18 deadly weapon or instrument of like character; or

19           (3) Carries on or about his person or in any vehicle, a  
20 tear gas gun projector or bomb or any object containing  
21 noxious liquid gas or substance, other than an object  
22 containing a non-lethal noxious liquid gas or substance  
23 designed solely for personal defense carried by a person 18  
24 years of age or older; or

25           (4) Carries or possesses in any vehicle or concealed on  
26 or about his person except when on his land or in his own



1 abode, legal dwelling, or fixed place of business, or on  
2 the land or in the legal dwelling of another person as an  
3 invitee with that person's permission, any pistol,  
4 revolver, stun gun or taser or other firearm, except that  
5 this subsection (a) (4) does not apply to or affect  
6 transportation of weapons that meet one of the following  
7 conditions:

8 (i) are broken down in a non-functioning state; or

9 (ii) are not immediately accessible; or

10 (iii) are unloaded and enclosed in a case, firearm  
11 carrying box, shipping box, or other container by a  
12 person who has been issued a currently valid Firearm  
13 Owner's Identification Card; or

14 (iv) are carried or possessed in accordance with  
15 the Firearm Concealed Carry Act by a person who has  
16 been issued a currently valid license under the Firearm  
17 Concealed Carry Act; or

18 (5) Sets a spring gun; or

19 (6) Possesses any device or attachment of any kind  
20 designed, used or intended for use in silencing the report  
21 of any firearm; or

22 (7) Sells, manufactures, purchases, possesses or  
23 carries:

24 (i) a machine gun, which shall be defined for the  
25 purposes of this subsection as any weapon, which  
26 shoots, is designed to shoot, or can be readily

1 restored to shoot, automatically more than one shot  
2 without manually reloading by a single function of the  
3 trigger, including the frame or receiver of any such  
4 weapon, or sells, manufactures, purchases, possesses,  
5 or carries any combination of parts designed or  
6 intended for use in converting any weapon into a  
7 machine gun, or any combination or parts from which a  
8 machine gun can be assembled if such parts are in the  
9 possession or under the control of a person;

10 (ii) any rifle having one or more barrels less than  
11 16 inches in length or a shotgun having one or more  
12 barrels less than 18 inches in length or any weapon  
13 made from a rifle or shotgun, whether by alteration,  
14 modification, or otherwise, if such a weapon as  
15 modified has an overall length of less than 26 inches;  
16 or

17 (iii) any bomb, bomb-shell, grenade, bottle or  
18 other container containing an explosive substance of  
19 over one-quarter ounce for like purposes, such as, but  
20 not limited to, black powder bombs and Molotov  
21 cocktails or artillery projectiles; or

22 (8) Carries or possesses any firearm, stun gun or taser  
23 or other deadly weapon in any place which is licensed to  
24 sell intoxicating beverages, or at any public gathering  
25 held pursuant to a license issued by any governmental body  
26 or any public gathering at which an admission is charged,

1 excluding a place where a showing, demonstration or lecture  
2 involving the exhibition of unloaded firearms is  
3 conducted.

4 This subsection (a) (8) does not apply to any auction or  
5 raffle of a firearm held pursuant to a license or permit  
6 issued by a governmental body, nor does it apply to persons  
7 engaged in firearm safety training courses; or

8 (9) Carries or possesses in a vehicle or on or about  
9 his person any pistol, revolver, stun gun or taser or  
10 firearm or ballistic knife, when he is hooded, robed or  
11 masked in such manner as to conceal his identity; or

12 (10) Carries or possesses on or about his person, upon  
13 any public street, alley, or other public lands within the  
14 corporate limits of a city, village or incorporated town,  
15 except when an invitee thereon or therein, for the purpose  
16 of the display of such weapon or the lawful commerce in  
17 weapons, or except when on his land or in his own abode,  
18 legal dwelling, or fixed place of business, or on the land  
19 or in the legal dwelling of another person as an invitee  
20 with that person's permission, any pistol, revolver, stun  
21 gun or taser or other firearm, except that this subsection  
22 (a) (10) does not apply to or affect transportation of  
23 weapons that meet one of the following conditions:

24 (i) are broken down in a non-functioning state; or

25 (ii) are not immediately accessible; or

26 (iii) are unloaded and enclosed in a case, firearm

1 carrying box, shipping box, or other container by a  
2 person who has been issued a currently valid Firearm  
3 Owner's Identification Card; or

4 (iv) are carried or possessed in accordance with  
5 the Firearm Concealed Carry Act by a person who has  
6 been issued a currently valid license under the Firearm  
7 Concealed Carry Act.

8 A "stun gun or taser", as used in this paragraph (a)  
9 means (i) any device which is powered by electrical  
10 charging units, such as, batteries, and which fires one or  
11 several barbs attached to a length of wire and which, upon  
12 hitting a human, can send out a current capable of  
13 disrupting the person's nervous system in such a manner as  
14 to render him incapable of normal functioning or (ii) any  
15 device which is powered by electrical charging units, such  
16 as batteries, and which, upon contact with a human or  
17 clothing worn by a human, can send out current capable of  
18 disrupting the person's nervous system in such a manner as  
19 to render him incapable of normal functioning; or

20 (11) Sells, manufactures or purchases any explosive  
21 bullet. For purposes of this paragraph (a) "explosive  
22 bullet" means the projectile portion of an ammunition  
23 cartridge which contains or carries an explosive charge  
24 which will explode upon contact with the flesh of a human  
25 or an animal. "Cartridge" means a tubular metal case having  
26 a projectile affixed at the front thereof and a cap or

1 primer at the rear end thereof, with the propellant  
2 contained in such tube between the projectile and the cap;  
3 or

4 (12) (Blank); or

5 (13) Carries or possesses on or about his or her person  
6 while in a building occupied by a unit of government, a  
7 billy club, other weapon of like character, or other  
8 instrument of like character intended for use as a weapon.  
9 For the purposes of this Section, "billy club" means a  
10 short stick or club commonly carried by police officers  
11 which is either telescopic or constructed of a solid piece  
12 of wood or other man-made material.

13 (b) Sentence. A person convicted of a violation of  
14 subsection 24-1(a)(1) through (5), subsection 24-1(a)(10),  
15 subsection 24-1(a)(11), or subsection 24-1(a)(13) commits a  
16 Class A misdemeanor. A person convicted of a violation of  
17 subsection 24-1(a)(8) or 24-1(a)(9) commits a Class 4 felony; a  
18 person convicted of a violation of subsection 24-1(a)(6) or  
19 24-1(a)(7)(ii) or (iii) commits a Class 3 felony. A person  
20 convicted of a violation of subsection 24-1(a)(7)(i) commits a  
21 Class 2 felony and, except as provided in subsection (t) of  
22 Section 5-6-1 of the Unified Code of Corrections, shall be  
23 sentenced to a term of imprisonment of not less than 3 years  
24 and not more than 7 years, unless the weapon is possessed in  
25 the passenger compartment of a motor vehicle as defined in  
26 Section 1-146 of the Illinois Vehicle Code, or on the person,

1 while the weapon is loaded, in which case it shall be a Class X  
2 felony. A person convicted of a second or subsequent violation  
3 of subsection 24-1(a)(4), 24-1(a)(8), 24-1(a)(9), or  
4 24-1(a)(10) commits a Class 3 felony. The possession of each  
5 weapon in violation of this Section constitutes a single and  
6 separate violation.

7 (c) Violations in specific places.

8 (1) A person who violates subsection 24-1(a)(6) or  
9 24-1(a)(7) in any school, regardless of the time of day or  
10 the time of year, in residential property owned, operated  
11 or managed by a public housing agency or leased by a public  
12 housing agency as part of a scattered site or mixed-income  
13 development, in a public park, in a courthouse, on the real  
14 property comprising any school, regardless of the time of  
15 day or the time of year, on residential property owned,  
16 operated or managed by a public housing agency or leased by  
17 a public housing agency as part of a scattered site or  
18 mixed-income development, on the real property comprising  
19 any public park, on the real property comprising any  
20 courthouse, in any conveyance owned, leased or contracted  
21 by a school to transport students to or from school or a  
22 school related activity, in any conveyance owned, leased,  
23 or contracted by a public transportation agency, or on any  
24 public way within 1,000 feet of the real property  
25 comprising any school, public park, courthouse, public  
26 transportation facility, or residential property owned,

1 operated, or managed by a public housing agency or leased  
2 by a public housing agency as part of a scattered site or  
3 mixed-income development commits a Class 2 felony and,  
4 except as provided in subsection (t) of Section 5-6-1 of  
5 the Unified Code of Corrections, shall be sentenced to a  
6 term of imprisonment of not less than 3 years and not more  
7 than 7 years.

8 (1.5) A person who violates subsection 24-1(a)(4),  
9 24-1(a)(9), or 24-1(a)(10) in any school, regardless of the  
10 time of day or the time of year, in residential property  
11 owned, operated, or managed by a public housing agency or  
12 leased by a public housing agency as part of a scattered  
13 site or mixed-income development, in a public park, in a  
14 courthouse, on the real property comprising any school,  
15 regardless of the time of day or the time of year, on  
16 residential property owned, operated, or managed by a  
17 public housing agency or leased by a public housing agency  
18 as part of a scattered site or mixed-income development, on  
19 the real property comprising any public park, on the real  
20 property comprising any courthouse, in any conveyance  
21 owned, leased, or contracted by a school to transport  
22 students to or from school or a school related activity, in  
23 any conveyance owned, leased, or contracted by a public  
24 transportation agency, or on any public way within 1,000  
25 feet of the real property comprising any school, public  
26 park, courthouse, public transportation facility, or

1 residential property owned, operated, or managed by a  
2 public housing agency or leased by a public housing agency  
3 as part of a scattered site or mixed-income development  
4 commits a Class 3 felony.

5 (2) A person who violates subsection 24-1(a)(1),  
6 24-1(a)(2), or 24-1(a)(3) in any school, regardless of the  
7 time of day or the time of year, in residential property  
8 owned, operated or managed by a public housing agency or  
9 leased by a public housing agency as part of a scattered  
10 site or mixed-income development, in a public park, in a  
11 courthouse, on the real property comprising any school,  
12 regardless of the time of day or the time of year, on  
13 residential property owned, operated or managed by a public  
14 housing agency or leased by a public housing agency as part  
15 of a scattered site or mixed-income development, on the  
16 real property comprising any public park, on the real  
17 property comprising any courthouse, in any conveyance  
18 owned, leased or contracted by a school to transport  
19 students to or from school or a school related activity, in  
20 any conveyance owned, leased, or contracted by a public  
21 transportation agency, or on any public way within 1,000  
22 feet of the real property comprising any school, public  
23 park, courthouse, public transportation facility, or  
24 residential property owned, operated, or managed by a  
25 public housing agency or leased by a public housing agency  
26 as part of a scattered site or mixed-income development



1 commits a Class 4 felony. "Courthouse" means any building  
2 that is used by the Circuit, Appellate, or Supreme Court of  
3 this State for the conduct of official business.

4 (3) Paragraphs (1), (1.5), and (2) of this subsection  
5 (c) shall not apply to law enforcement officers or security  
6 officers of such school, college, or university or to  
7 students carrying or possessing firearms for use in  
8 training courses, parades, hunting, target shooting on  
9 school ranges, or otherwise with the consent of school  
10 authorities and which firearms are transported unloaded  
11 enclosed in a suitable case, box, or transportation  
12 package.

13 (4) For the purposes of this subsection (c), "school"  
14 means any public or private elementary or secondary school,  
15 community college, college, or university.

16 (5) For the purposes of this subsection (c), "public  
17 transportation agency" means a public or private agency  
18 that provides for the transportation or conveyance of  
19 persons by means available to the general public, except  
20 for transportation by automobiles not used for conveyance  
21 of the general public as passengers; and "public  
22 transportation facility" means a terminal or other place  
23 where one may obtain public transportation.

24 (d) The presence in an automobile other than a public  
25 omnibus of any weapon, instrument or substance referred to in  
26 subsection (a)(7) is prima facie evidence that it is in the

1 possession of, and is being carried by, all persons occupying  
2 such automobile at the time such weapon, instrument or  
3 substance is found, except under the following circumstances:

4 (i) if such weapon, instrument or instrumentality is found upon  
5 the person of one of the occupants therein; or (ii) if such  
6 weapon, instrument or substance is found in an automobile  
7 operated for hire by a duly licensed driver in the due, lawful  
8 and proper pursuit of his trade, then such presumption shall  
9 not apply to the driver.

10 (e) Exemptions. Crossbows, Common or Compound bows and  
11 Underwater Spearguns are exempted from the definition of  
12 ballistic knife as defined in paragraph (1) of subsection (a)  
13 of this Section.

14 (Source: P.A. 99-29, eff. 7-10-15.)

15 (720 ILCS 5/24-1.1) (from Ch. 38, par. 24-1.1)

16 Sec. 24-1.1. Unlawful Use or Possession of Weapons by  
17 Felons or Persons in the Custody of the Department of  
18 Corrections Facilities.

19 (a) It is unlawful for a person to knowingly possess on or  
20 about his person or on his land or in his own abode or fixed  
21 place of business any weapon prohibited under Section 24-1 of  
22 this Act or any firearm or any firearm ammunition if the person  
23 has been convicted of a felony under the laws of this State or  
24 any other jurisdiction. This Section shall not apply if the  
25 person has been granted relief by the Director of the

1 Department of State Police under Section 10 of the Firearm  
2 Owners Identification Card Act.

3 (b) It is unlawful for any person confined in a penal  
4 institution, which is a facility of the Illinois Department of  
5 Corrections, to possess any weapon prohibited under Section  
6 24-1 of this Code or any firearm or firearm ammunition,  
7 regardless of the intent with which he possesses it.

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

12 (d) The defense of necessity is not available to a person  
13 who is charged with a violation of subsection (b) of this  
14 Section.

15 (e) Sentence. Violation of this Section by a person not  
16 confined in a penal institution shall be a Class 3 felony for  
17 which the person shall be sentenced, except as provided in  
18 subsection (t) of Section 5-6-1 of the Unified Code of  
19 Corrections, to no less than 2 years and no more than 10 years  
20 and any second or subsequent violation shall be a Class 2  
21 felony for which the person shall be sentenced to a term of  
22 imprisonment of not less than 3 years and not more than 14  
23 years. Violation of this Section by a person not confined in a  
24 penal institution who has been convicted of a forcible felony,  
25 a felony violation of Article 24 of this Code or of the Firearm  
26 Owners Identification Card Act, stalking or aggravated

1 stalking, or a Class 2 or greater felony under the Illinois  
2 Controlled Substances Act, the Cannabis Control Act, or the  
3 Methamphetamine Control and Community Protection Act is a Class  
4 2 felony for which the person shall be sentenced, except as  
5 provided in subsection (t) of Section 5-6-1 of the Unified Code  
6 of Corrections, to not less than 3 years and not more than 14  
7 years. Violation of this Section by a person who is on parole  
8 or mandatory supervised release is a Class 2 felony for which  
9 the person shall be sentenced, except as provided in subsection  
10 (t) of Section 5-6-1 of the Unified Code of Corrections, to not  
11 less than 3 years and not more than 14 years. Violation of this  
12 Section by a person not confined in a penal institution is a  
13 Class X felony when the firearm possessed is a machine gun. Any  
14 person who violates this Section while confined in a penal  
15 institution, which is a facility of the Illinois Department of  
16 Corrections, is guilty of a Class 1 felony, if he possesses any  
17 weapon prohibited under Section 24-1 of this Code regardless of  
18 the intent with which he possesses it, a Class X felony if he  
19 possesses any firearm, firearm ammunition or explosive, and a  
20 Class X felony for which the offender shall be sentenced to not  
21 less than 12 years and not more than 50 years when the firearm  
22 possessed is a machine gun. A violation of this Section while  
23 wearing or in possession of body armor as defined in Section  
24 33F-1 is a Class X felony punishable by a term of imprisonment  
25 of not less than 10 years and not more than 40 years. The  
26 possession of each firearm or firearm ammunition in violation

1 of this Section constitutes a single and separate violation.

2 (Source: P.A. 97-237, eff. 1-1-12.)

3 (720 ILCS 5/24-1.6)

4 Sec. 24-1.6. Aggravated unlawful use of a weapon.

5 (a) A person commits the offense of aggravated unlawful use  
6 of a weapon when he or she knowingly:

7 (1) Carries on or about his or her person or in any  
8 vehicle or concealed on or about his or her person except  
9 when on his or her land or in his or her abode, legal  
10 dwelling, or fixed place of business, or on the land or in  
11 the legal dwelling of another person as an invitee with  
12 that person's permission, any pistol, revolver, stun gun or  
13 taser or other firearm; or

14 (2) Carries or possesses on or about his or her person,  
15 upon any public street, alley, or other public lands within  
16 the corporate limits of a city, village or incorporated  
17 town, except when an invitee thereon or therein, for the  
18 purpose of the display of such weapon or the lawful  
19 commerce in weapons, or except when on his or her own land  
20 or in his or her own abode, legal dwelling, or fixed place  
21 of business, or on the land or in the legal dwelling of  
22 another person as an invitee with that person's permission,  
23 any pistol, revolver, stun gun or taser or other firearm;  
24 and

25 (3) One of the following factors is present:

1 (A) the firearm, other than a pistol, revolver, or  
2 handgun, possessed was uncased, loaded, and  
3 immediately accessible at the time of the offense; or

4 (A-5) the pistol, revolver, or handgun possessed  
5 was uncased, loaded, and immediately accessible at the  
6 time of the offense and the person possessing the  
7 pistol, revolver, or handgun has not been issued a  
8 currently valid license under the Firearm Concealed  
9 Carry Act; or

10 (B) the firearm, other than a pistol, revolver, or  
11 handgun, possessed was uncased, unloaded, and the  
12 ammunition for the weapon was immediately accessible  
13 at the time of the offense; or

14 (B-5) the pistol, revolver, or handgun possessed  
15 was uncased, unloaded, and the ammunition for the  
16 weapon was immediately accessible at the time of the  
17 offense and the person possessing the pistol,  
18 revolver, or handgun has not been issued a currently  
19 valid license under the Firearm Concealed Carry Act; or

20 (C) the person possessing the firearm has not been  
21 issued a currently valid Firearm Owner's  
22 Identification Card; or

23 (D) the person possessing the weapon was  
24 previously adjudicated a delinquent minor under the  
25 Juvenile Court Act of 1987 for an act that if committed  
26 by an adult would be a felony; or

1 (E) the person possessing the weapon was engaged in  
2 a misdemeanor violation of the Cannabis Control Act, in  
3 a misdemeanor violation of the Illinois Controlled  
4 Substances Act, or in a misdemeanor violation of the  
5 Methamphetamine Control and Community Protection Act;  
6 or

7 (F) (blank); or

8 (G) the person possessing the weapon had an ~~a~~ order  
9 of protection issued against him or her within the  
10 previous 2 years; or

11 (H) the person possessing the weapon was engaged in  
12 the commission or attempted commission of a  
13 misdemeanor involving the use or threat of violence  
14 against the person or property of another; or

15 (I) the person possessing the weapon was under 21  
16 years of age and in possession of a handgun, unless the  
17 person under 21 is engaged in lawful activities under  
18 the Wildlife Code or described in subsection  
19 24-2(b)(1), (b)(3), or 24-2(f).

20 (a-5) "Handgun" as used in this Section has the meaning  
21 given to it in Section 5 of the Firearm Concealed Carry Act.

22 (b) "Stun gun or taser" as used in this Section has the  
23 same definition given to it in Section 24-1 of this Code.

24 (c) This Section does not apply to or affect the  
25 transportation or possession of weapons that:

26 (i) are broken down in a non-functioning state; or

1 (ii) are not immediately accessible; or

2 (iii) are unloaded and enclosed in a case, firearm  
3 carrying box, shipping box, or other container by a person  
4 who has been issued a currently valid Firearm Owner's  
5 Identification Card.

6 (d) Sentence.

7 (1) Aggravated unlawful use of a weapon is a Class 4  
8 felony; a second or subsequent offense is a Class 2 felony  
9 for which the person shall be sentenced to a term of  
10 imprisonment of not less than 3 years and not more than 7  
11 years.

12 (2) Except as otherwise provided in paragraphs (3) and  
13 (4) of this subsection (d), a first offense of aggravated  
14 unlawful use of a weapon committed with a firearm by a  
15 person 18 years of age or older where the factors listed in  
16 both items (A) and (C) or both items (A-5) and (C) of  
17 paragraph (3) of subsection (a) are present is a Class 4  
18 felony, for which the person shall be sentenced, except as  
19 provided in subsection (t) of Section 5-6-1 of the Unified  
20 Code of Corrections, to a term of imprisonment of not less  
21 than one year and not more than 3 years.

22 (3) Aggravated unlawful use of a weapon by a person who  
23 has been previously convicted of a felony in this State or  
24 another jurisdiction is a Class 2 felony for which the  
25 person shall be sentenced, except as provided in subsection  
26 (t) of Section 5-6-1 of the Unified Code of Corrections, to



1 a term of imprisonment of not less than 3 years and not  
2 more than 7 years.

3 (4) Aggravated unlawful use of a weapon while wearing  
4 or in possession of body armor as defined in Section 33F-1  
5 by a person who has not been issued a valid Firearms  
6 Owner's Identification Card in accordance with Section 5 of  
7 the Firearm Owners Identification Card Act is a Class X  
8 felony.

9 (e) The possession of each firearm in violation of this  
10 Section constitutes a single and separate violation.

11 (Source: P.A. 98-63, eff. 7-9-13; revised 10-6-16.)

12 (720 ILCS 5/24-1.8)

13 Sec. 24-1.8. Unlawful possession of a firearm by a street  
14 gang member.

15 (a) A person commits unlawful possession of a firearm by a  
16 street gang member when he or she knowingly:

17 (1) possesses, carries, or conceals on or about his or  
18 her person a firearm and firearm ammunition while on any  
19 street, road, alley, gangway, sidewalk, or any other lands,  
20 except when inside his or her own abode or inside his or  
21 her fixed place of business, and has not been issued a  
22 currently valid Firearm Owner's Identification Card and is  
23 a member of a street gang; or

24 (2) possesses or carries in any vehicle a firearm and  
25 firearm ammunition which are both immediately accessible

1 at the time of the offense while on any street, road,  
2 alley, or any other lands, except when inside his or her  
3 own abode or garage, and has not been issued a currently  
4 valid Firearm Owner's Identification Card and is a member  
5 of a street gang.

6 (b) Unlawful possession of a firearm by a street gang  
7 member is a Class 2 felony for which the person, if sentenced  
8 to a term of imprisonment, shall be sentenced to no less than 3  
9 years and no more than 10 years. Except as provided in  
10 subsection (t) of Section 5-6-1 of the Unified Code of  
11 Corrections, a ~~A~~ period of probation, a term of periodic  
12 imprisonment or conditional discharge shall not be imposed for  
13 the offense of unlawful possession of a firearm by a street  
14 gang member when the firearm was loaded or contained firearm  
15 ammunition and the court shall sentence the offender to not  
16 less than the minimum term of imprisonment authorized for the  
17 Class 2 felony.

18 (c) For purposes of this Section:

19 "Street gang" or "gang" has the meaning ascribed to it  
20 in Section 10 of the Illinois Streetgang Terrorism Omnibus  
21 Prevention Act.

22 "Street gang member" or "gang member" has the meaning  
23 ascribed to it in Section 10 of the Illinois Streetgang  
24 Terrorism Omnibus Prevention Act.

25 (Source: P.A. 96-829, eff. 12-3-09.)

1 Section 135. The Unified Code of Corrections is amended by  
2 changing Section 5-5-3 and 5-6-1 and adding Section 5-6-3.3-5  
3 as follows:

4 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)  
5 (Text of Section before amendment by P.A. 99-938)  
6 Sec. 5-5-3. Disposition.

7 (a) (Blank).

8 (b) (Blank).

9 (c) (1) (Blank).

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

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

18 (B) Attempted first degree murder.

19 (C) A Class X felony.

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

25 (D-5) A violation of subdivision (c) (1) of Section 401

1 of the Illinois Controlled Substances Act which relates to  
2 3 or more grams of a substance containing heroin or an  
3 analog thereof.

4 (E) A violation of Section 5.1 or 9 of the Cannabis  
5 Control Act.

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

17 (F-5) Except as provided in subsection (t) of Section  
18 5-6-1 of the Unified Code of Corrections, a ~~A~~ violation of  
19 Section 24-1, 24-1.1, or 24-1.6 of the Criminal Code of  
20 1961 or the Criminal Code of 2012 for which imprisonment is  
21 prescribed in those Sections.

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

25 (H) Criminal sexual assault.

26 (I) Aggravated battery of a senior citizen as described

1 in Section 12-4.6 or subdivision (a) (4) of Section 12-3.05  
2 of the Criminal Code of 1961 or the Criminal Code of 2012.

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

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

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

15 (K) Vehicular hijacking.

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

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

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

26 (O) A violation of Section 12-6.1 or 12-6.5 of the

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

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

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

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

10 (S) (Blank).

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

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

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

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

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

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

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

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

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

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

23          (CC) Knowingly selling, offering for sale, holding for  
24       sale, or using 2,000 or more counterfeit items or  
25       counterfeit items having a retail value in the aggregate of  
26       \$500,000 or more.

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

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

9 (3) (Blank).

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

14 (4.1) (Blank).

15 (4.2) Except as provided in paragraphs (4.3) and (4.8) of  
16 this subsection (c), a minimum of 100 hours of community  
17 service shall be imposed for a second violation of Section  
18 6-303 of the Illinois Vehicle Code.

19 (4.3) A minimum term of imprisonment of 30 days or 300  
20 hours of community service, as determined by the court, shall  
21 be imposed for a second violation of subsection (c) of Section  
22 6-303 of the Illinois Vehicle Code.

23 (4.4) Except as provided in paragraphs (4.5), (4.6), and  
24 (4.9) of this subsection (c), a minimum term of imprisonment of  
25 30 days or 300 hours of community service, as determined by the  
26 court, shall be imposed for a third or subsequent violation of



1 Section 6-303 of the Illinois Vehicle Code.

2 (4.5) A minimum term of imprisonment of 30 days shall be  
3 imposed for a third violation of subsection (c) of Section  
4 6-303 of the Illinois Vehicle Code.

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

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

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

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

26 (4.10) A mandatory prison sentence for a Class 1 felony

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

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

9 (A) a period of conditional discharge;

10 (B) a fine;

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

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

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

26 (5.3) In addition to any other penalties imposed, a person

1 convicted of violating subsection (c) of Section 11-907 of the  
2 Illinois Vehicle Code shall have his or her driver's license,  
3 permit, or privileges suspended for 2 years, if the violation  
4 resulted in the death of another person.

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

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

18 (6) (Blank).

19 (7) (Blank).

20 (8) (Blank).

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

24 (10) (Blank).

25 (11) The court shall impose a minimum fine of \$1,000 for a  
26 first offense and \$2,000 for a second or subsequent offense

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

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

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

1 Services under such terms and conditions imposed by the court.

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

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

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

1 of probation only where:

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

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

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

9 (i) removal from the household;

10 (ii) restricted contact with the victim;

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

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

14 and

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

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

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

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

5 For the purposes of this Section, "family member" and  
6 "victim" shall have the meanings ascribed to them in Section  
7 11-0.1 of the Criminal Code of 2012.

8 (f) (Blank).

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

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

24 (g-5) When an inmate is tested for an airborne communicable  
25 disease, as determined by the Illinois Department of Public  
26 Health including but not limited to tuberculosis, the results



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

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

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

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

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

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

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

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

25 (k) (Blank).

26 (l) (A) Except as provided in paragraph (C) of subsection

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

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

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

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

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

25 (1) a final order of deportation has been issued  
26 against the defendant pursuant to proceedings under the

1 Immigration and Nationality Act, and

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

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

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

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

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

1 of 1961 or the Criminal Code of 2012 (i) to an impact  
2 incarceration program if the person is otherwise eligible for  
3 that program under Section 5-8-1.1, (ii) to community service,  
4 or (iii) if the person is an addict or alcoholic, as defined in  
5 the Alcoholism and Other Drug Abuse and Dependency Act, to a  
6 substance or alcohol abuse program licensed under that Act.

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

12 (Source: P.A. 98-718, eff. 1-1-15; 98-756, eff. 7-16-14;  
13 99-143, eff. 7-27-15; 99-885, eff. 8-23-16.)

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

15 Sec. 5-5-3. Disposition.

16 (a) (Blank).

17 (b) (Blank).

18 (c) (1) (Blank).

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

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

1 imposed.

2 (B) Attempted first degree murder.

3 (C) A Class X felony.

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

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

13 (E) (Blank).

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

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



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

10 (F-5) Except as provided in subsection (t) of Section  
11 5-6-1 of the Unified Code of Corrections, a violation of  
12 Section 24-1, 24-1.1, or 24-1.6 of the Criminal Code of  
13 1961 or the Criminal Code of 2012 for which imprisonment is  
14 prescribed in those Sections.

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

18 (H) Criminal sexual assault.

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

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

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

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

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

8 (K) Vehicular hijacking.

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

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

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

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

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

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

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

3 (S) (Blank).

4 (T) (Blank).

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

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

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

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

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

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

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

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

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

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

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

1 (3) (Blank).

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

6 (4.1) (Blank).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (5.4) In addition to any other penalties imposed, a person  
24 convicted of violating Section 3-707 of the Illinois Vehicle  
25 Code shall have his or her driver's license, permit, or  
26 privileges suspended for 3 months and until he or she has paid

1 a reinstatement fee of \$100.

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

10 (6) (Blank).

11 (7) (Blank).

12 (8) (Blank).

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

16 (10) (Blank).

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



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

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

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

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

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

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

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

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

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

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

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

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

11 finds, after considering the defendant's income and

12 assets, that the defendant is financially capable of paying

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

14 at the time the offense was committed and requires

15 counseling as a result of the offense.

16 Probation may be revoked or modified pursuant to Section

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

18 the defendant violated a condition of his or her probation

19 restricting contact with the victim or other family members or

20 commits another offense with the victim or other family

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

22 impose a term of imprisonment.

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

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

25 11-0.1 of the Criminal Code of 2012.

26 (f) (Blank).

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

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

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

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

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

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

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

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

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

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



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

17 (k) (Blank).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 (Source: P.A. 98-718, eff. 1-1-15; 98-756, eff. 7-16-14;  
5 99-143, eff. 7-27-15; 99-885, eff. 8-23-16; 99-938, eff.  
6 1-1-18.)

7 (730 ILCS 5/5-6-1) (from Ch. 38, par. 1005-6-1)

8 Sec. 5-6-1. Sentences of Probation and of Conditional  
9 Discharge and Disposition of Supervision. The General Assembly  
10 finds that in order to protect the public, the criminal justice  
11 system must compel compliance with the conditions of probation  
12 by responding to violations with swift, certain and fair  
13 punishments and intermediate sanctions. The Chief Judge of each  
14 circuit shall adopt a system of structured, intermediate  
15 sanctions for violations of the terms and conditions of a  
16 sentence of probation, conditional discharge or disposition of  
17 supervision.

18 (a) Except where specifically prohibited by other  
19 provisions of this Code, the court shall impose a sentence of  
20 probation or conditional discharge upon an offender unless,  
21 having regard to the nature and circumstance of the offense,  
22 and to the history, character and condition of the offender,  
23 the court is of the opinion that:

24 (1) his imprisonment or periodic imprisonment is  
25 necessary for the protection of the public; or

1           (2) probation or conditional discharge would deprecate  
2           the seriousness of the offender's conduct and would be  
3           inconsistent with the ends of justice; or

4           (3) a combination of imprisonment with concurrent or  
5           consecutive probation when an offender has been admitted  
6           into a drug court program under Section 20 of the Drug  
7           Court Treatment Act is necessary for the protection of the  
8           public and for the rehabilitation of the offender.

9           The court shall impose as a condition of a sentence of  
10          probation, conditional discharge, or supervision, that the  
11          probation agency may invoke any sanction from the list of  
12          intermediate sanctions adopted by the chief judge of the  
13          circuit court for violations of the terms and conditions of the  
14          sentence of probation, conditional discharge, or supervision,  
15          subject to the provisions of Section 5-6-4 of this Act.

16          (b) The court may impose a sentence of conditional  
17          discharge for an offense if the court is of the opinion that  
18          neither a sentence of imprisonment nor of periodic imprisonment  
19          nor of probation supervision is appropriate.

20          (b-1) Subsections (a) and (b) of this Section do not apply  
21          to a defendant charged with a misdemeanor or felony under the  
22          Illinois Vehicle Code or reckless homicide under Section 9-3 of  
23          the Criminal Code of 1961 or the Criminal Code of 2012 if the  
24          defendant within the past 12 months has been convicted of or  
25          pleaded guilty to a misdemeanor or felony under the Illinois  
26          Vehicle Code or reckless homicide under Section 9-3 of the

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

2 (c) The court may, upon a plea of guilty or a stipulation  
3 by the defendant of the facts supporting the charge or a  
4 finding of guilt, defer further proceedings and the imposition  
5 of a sentence, and enter an order for supervision of the  
6 defendant, if the defendant is not charged with: (i) a Class A  
7 misdemeanor, as defined by the following provisions of the  
8 Criminal Code of 1961 or the Criminal Code of 2012: Sections  
9 11-9.1; 12-3.2; 11-1.50 or 12-15; 26-5 or 48-1; 31-1; 31-6;  
10 31-7; paragraphs (2) and (3) of subsection (a) of Section 21-1;  
11 ~~paragraph (1) through (5), (8), (10), and (11) of subsection~~  
12 ~~(a) of Section 24-1;~~ (ii) a Class A misdemeanor violation of  
13 Section 3.01, 3.03-1, or 4.01 of the Humane Care for Animals  
14 Act; or (iii) a felony. If the defendant is not barred from  
15 receiving an order for supervision as provided in this  
16 subsection, the court may enter an order for supervision after  
17 considering the circumstances of the offense, and the history,  
18 character and condition of the offender, if the court is of the  
19 opinion that:

20 (1) the offender is not likely to commit further  
21 crimes;

22 (2) the defendant and the public would be best served  
23 if the defendant were not to receive a criminal record; and

24 (3) in the best interests of justice an order of  
25 supervision is more appropriate than a sentence otherwise  
26 permitted under this Code.

1 (c-5) Subsections (a), (b), and (c) of this Section do not  
2 apply to a defendant charged with a second or subsequent  
3 violation of Section 6-303 of the Illinois Vehicle Code  
4 committed while his or her driver's license, permit or  
5 privileges were revoked because of a violation of Section 9-3  
6 of the Criminal Code of 1961 or the Criminal Code of 2012,  
7 relating to the offense of reckless homicide, or a similar  
8 provision of a law of another state.

9 (d) The provisions of paragraph (c) shall not apply to a  
10 defendant charged with violating Section 11-501 of the Illinois  
11 Vehicle Code or a similar provision of a local ordinance when  
12 the defendant has previously been:

13 (1) convicted for a violation of Section 11-501 of the  
14 Illinois Vehicle Code or a similar provision of a local  
15 ordinance or any similar law or ordinance of another state;  
16 or

17 (2) assigned supervision for a violation of Section  
18 11-501 of the Illinois Vehicle Code or a similar provision  
19 of a local ordinance or any similar law or ordinance of  
20 another state; or

21 (3) pleaded guilty to or stipulated to the facts  
22 supporting a charge or a finding of guilty to a violation  
23 of Section 11-503 of the Illinois Vehicle Code or a similar  
24 provision of a local ordinance or any similar law or  
25 ordinance of another state, and the plea or stipulation was  
26 the result of a plea agreement.

1           The court shall consider the statement of the prosecuting  
2 authority with regard to the standards set forth in this  
3 Section.

4           (e) The provisions of paragraph (c) shall not apply to a  
5 defendant charged with violating Section 16-25 or 16A-3 of the  
6 Criminal Code of 1961 or the Criminal Code of 2012 if said  
7 defendant has within the last 5 years been:

8                 (1) convicted for a violation of Section 16-25 or 16A-3  
9                 of the Criminal Code of 1961 or the Criminal Code of 2012;  
10                or

11               (2) assigned supervision for a violation of Section  
12                16-25 or 16A-3 of the Criminal Code of 1961 or the Criminal  
13                Code of 2012.

14           The court shall consider the statement of the prosecuting  
15 authority with regard to the standards set forth in this  
16 Section.

17           (f) The provisions of paragraph (c) shall not apply to a  
18 defendant charged with violating Sections 15-111, 15-112,  
19 15-301, paragraph (b) of Section 6-104, Section 11-605,  
20 paragraph (d-5) of Section 11-605.1, Section 11-1002.5, or  
21 Section 11-1414 of the Illinois Vehicle Code or a similar  
22 provision of a local ordinance.

23           (g) Except as otherwise provided in paragraph (i) of this  
24 Section, the provisions of paragraph (c) shall not apply to a  
25 defendant charged with violating Section 3-707, 3-708, 3-710,  
26 or 5-401.3 of the Illinois Vehicle Code or a similar provision



1 of a local ordinance if the defendant has within the last 5  
2 years been:

3 (1) convicted for a violation of Section 3-707, 3-708,  
4 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar  
5 provision of a local ordinance; or

6 (2) assigned supervision for a violation of Section  
7 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle  
8 Code or a similar provision of a local ordinance.

9 The court shall consider the statement of the prosecuting  
10 authority with regard to the standards set forth in this  
11 Section.

12 (h) The provisions of paragraph (c) shall not apply to a  
13 defendant under the age of 21 years charged with violating a  
14 serious traffic offense as defined in Section 1-187.001 of the  
15 Illinois Vehicle Code:

16 (1) unless the defendant, upon payment of the fines,  
17 penalties, and costs provided by law, agrees to attend and  
18 successfully complete a traffic safety program approved by  
19 the court under standards set by the Conference of Chief  
20 Circuit Judges. The accused shall be responsible for  
21 payment of any traffic safety program fees. If the accused  
22 fails to file a certificate of successful completion on or  
23 before the termination date of the supervision order, the  
24 supervision shall be summarily revoked and conviction  
25 entered. The provisions of Supreme Court Rule 402 relating  
26 to pleas of guilty do not apply in cases when a defendant

1 enters a guilty plea under this provision; or

2 (2) if the defendant has previously been sentenced  
3 under the provisions of paragraph (c) on or after January  
4 1, 1998 for any serious traffic offense as defined in  
5 Section 1-187.001 of the Illinois Vehicle Code.

6 (h-1) The provisions of paragraph (c) shall not apply to a  
7 defendant under the age of 21 years charged with an offense  
8 against traffic regulations governing the movement of vehicles  
9 or any violation of Section 6-107 or Section 12-603.1 of the  
10 Illinois Vehicle Code, unless the defendant, upon payment of  
11 the fines, penalties, and costs provided by law, agrees to  
12 attend and successfully complete a traffic safety program  
13 approved by the court under standards set by the Conference of  
14 Chief Circuit Judges. The accused shall be responsible for  
15 payment of any traffic safety program fees. If the accused  
16 fails to file a certificate of successful completion on or  
17 before the termination date of the supervision order, the  
18 supervision shall be summarily revoked and conviction entered.  
19 The provisions of Supreme Court Rule 402 relating to pleas of  
20 guilty do not apply in cases when a defendant enters a guilty  
21 plea under this provision.

22 (i) The provisions of paragraph (c) shall not apply to a  
23 defendant charged with violating Section 3-707 of the Illinois  
24 Vehicle Code or a similar provision of a local ordinance if the  
25 defendant has been assigned supervision for a violation of  
26 Section 3-707 of the Illinois Vehicle Code or a similar

1 provision of a local ordinance.

2 (j) The provisions of paragraph (c) shall not apply to a  
3 defendant charged with violating Section 6-303 of the Illinois  
4 Vehicle Code or a similar provision of a local ordinance when  
5 the revocation or suspension was for a violation of Section  
6 11-501 or a similar provision of a local ordinance or a  
7 violation of Section 11-501.1 or paragraph (b) of Section  
8 11-401 of the Illinois Vehicle Code if the defendant has within  
9 the last 10 years been:

10 (1) convicted for a violation of Section 6-303 of the  
11 Illinois Vehicle Code or a similar provision of a local  
12 ordinance; or

13 (2) assigned supervision for a violation of Section  
14 6-303 of the Illinois Vehicle Code or a similar provision  
15 of a local ordinance.

16 (k) The provisions of paragraph (c) shall not apply to a  
17 defendant charged with violating any provision of the Illinois  
18 Vehicle Code or a similar provision of a local ordinance that  
19 governs the movement of vehicles if, within the 12 months  
20 preceding the date of the defendant's arrest, the defendant has  
21 been assigned court supervision on 2 occasions for a violation  
22 that governs the movement of vehicles under the Illinois  
23 Vehicle Code or a similar provision of a local ordinance. The  
24 provisions of this paragraph (k) do not apply to a defendant  
25 charged with violating Section 11-501 of the Illinois Vehicle  
26 Code or a similar provision of a local ordinance.

1           (1) A defendant charged with violating any provision of the  
2 Illinois Vehicle Code or a similar provision of a local  
3 ordinance who receives a disposition of supervision under  
4 subsection (c) shall pay an additional fee of \$29, to be  
5 collected as provided in Sections 27.5 and 27.6 of the Clerks  
6 of Courts Act. In addition to the \$29 fee, the person shall  
7 also pay a fee of \$6, which, if not waived by the court, shall  
8 be collected as provided in Sections 27.5 and 27.6 of the  
9 Clerks of Courts Act. The \$29 fee shall be disbursed as  
10 provided in Section 16-104c of the Illinois Vehicle Code. If  
11 the \$6 fee is collected, \$5.50 of the fee shall be deposited  
12 into the Circuit Court Clerk Operation and Administrative Fund  
13 created by the Clerk of the Circuit Court and 50 cents of the  
14 fee shall be deposited into the Prisoner Review Board Vehicle  
15 and Equipment Fund in the State treasury.

16           (m) Any person convicted of, pleading guilty to, or placed  
17 on supervision for a serious traffic violation, as defined in  
18 Section 1-187.001 of the Illinois Vehicle Code, a violation of  
19 Section 11-501 of the Illinois Vehicle Code, or a violation of  
20 a similar provision of a local ordinance shall pay an  
21 additional fee of \$35, to be disbursed as provided in Section  
22 16-104d of that Code.

23           This subsection (m) becomes inoperative on January 1, 2020.

24           (n) The provisions of paragraph (c) shall not apply to any  
25 person under the age of 18 who commits an offense against  
26 traffic regulations governing the movement of vehicles or any

1 violation of Section 6-107 or Section 12-603.1 of the Illinois  
2 Vehicle Code, except upon personal appearance of the defendant  
3 in court and upon the written consent of the defendant's parent  
4 or legal guardian, executed before the presiding judge. The  
5 presiding judge shall have the authority to waive this  
6 requirement upon the showing of good cause by the defendant.

7 (o) The provisions of paragraph (c) shall not apply to a  
8 defendant charged with violating Section 6-303 of the Illinois  
9 Vehicle Code or a similar provision of a local ordinance when  
10 the suspension was for a violation of Section 11-501.1 of the  
11 Illinois Vehicle Code and when:

12 (1) at the time of the violation of Section 11-501.1 of  
13 the Illinois Vehicle Code, the defendant was a first  
14 offender pursuant to Section 11-500 of the Illinois Vehicle  
15 Code and the defendant failed to obtain a monitoring device  
16 driving permit; or

17 (2) at the time of the violation of Section 11-501.1 of  
18 the Illinois Vehicle Code, the defendant was a first  
19 offender pursuant to Section 11-500 of the Illinois Vehicle  
20 Code, had subsequently obtained a monitoring device  
21 driving permit, but was driving a vehicle not equipped with  
22 a breath alcohol ignition interlock device as defined in  
23 Section 1-129.1 of the Illinois Vehicle Code.

24 (p) The provisions of paragraph (c) shall not apply to a  
25 defendant charged with violating Section 11-601.5 of the  
26 Illinois Vehicle Code or a similar provision of a local

1 ordinance when the defendant has previously been:

2 (1) convicted for a violation of Section 11-601.5 of  
3 the Illinois Vehicle Code or a similar provision of a local  
4 ordinance or any similar law or ordinance of another state;  
5 or

6 (2) assigned supervision for a violation of Section  
7 11-601.5 of the Illinois Vehicle Code or a similar  
8 provision of a local ordinance or any similar law or  
9 ordinance of another state.

10 (q) The provisions of paragraph (c) shall not apply to a  
11 defendant charged with violating subsection (b) of Section  
12 11-601 or Section 11-601.5 of the Illinois Vehicle Code when  
13 the defendant was operating a vehicle, in an urban district, at  
14 a speed that is 26 miles per hour or more in excess of the  
15 applicable maximum speed limit established under Chapter 11 of  
16 the Illinois Vehicle Code.

17 (r) The provisions of paragraph (c) shall not apply to a  
18 defendant charged with violating any provision of the Illinois  
19 Vehicle Code or a similar provision of a local ordinance if the  
20 violation was the proximate cause of the death of another and  
21 the defendant's driving abstract contains a prior conviction or  
22 disposition of court supervision for any violation of the  
23 Illinois Vehicle Code, other than an equipment violation, or a  
24 suspension, revocation, or cancellation of the driver's  
25 license.

26 (s) The provisions of paragraph (c) shall not apply to a

1 defendant charged with violating subsection (i) of Section 70  
2 of the Firearm Concealed Carry Act.

3 (t)(1) The court may impose a sentence of probation or  
4 conditional discharge upon an offender who has been convicted  
5 of a violation of Section 24-1, 24-1.1, 24-1.6, or 24-1.8 of  
6 the Criminal Code of 2012 for which a sentence of imprisonment  
7 is otherwise required by law if he or she has not previously  
8 been convicted of, placed on probation or conditional discharge  
9 for, or received a discharge or dismissal under Section  
10 5-6-3.3-5 of this Code for any of those offenses under the laws  
11 of this State, the laws of any other state, or the laws of the  
12 United States and who based upon the utilization of the  
13 statewide, standardized risk assessment tool described in  
14 Section 10 of the Illinois Crime Reduction Act of 2009 would  
15 benefit from the program described in this subsection (t). In  
16 addition to any other conditions imposed by the court, the  
17 conditions of the sentence of probation or conditional  
18 discharge under this subsection (t) are that the offender:

19 (A) not violate any criminal statute of this State or  
20 any other jurisdiction;

21 (B) refrain from possessing a firearm or other  
22 dangerous weapon;

23 (C) perform not less than 30 hours of community service  
24 that would benefit persons with gunshot-related  
25 disabilities, provided community service is available in  
26 the county and is funded and approved by the county board;

1           (D) attend educational courses designed to teach the  
2           offender about the firearm laws of this State and  
3           sentencing for violations of those laws; and

4           (E) receive counseling and psychological or  
5           psychiatric treatment for impulse control and to decrease  
6           aggressive behavior, if indicated by a validated risk  
7           assessment instrument.

8           (2) The conditions of probation or conditional discharge  
9           under this subsection (t) shall include community safety case  
10           planning, to assess and address the perceived need to carry a  
11           weapon to avoid becoming a victim of violence.

12           (3) If services are made available under this subsection  
13           (t), the services must be administered according to the  
14           offender's measured risks, assets, and needs and without regard  
15           to the offender's financial ability to pay for the costs of  
16           those services.

17           (4) Firearm legal education programs provided under this  
18           subsection (t) may not be conducted by firearm advocacy  
19           organizations.

20           (5) The outcome of the programs provided under this  
21           subsection (t) shall be annually reported by the county  
22           probation department to the clerk of the circuit court who  
23           shall report it to the Supreme Court and make it available to  
24           the Governor, the General Assembly, and the public.

25           (Source: P.A. 98-169, eff. 1-1-14; 98-658, eff. 6-23-14;  
26           98-899, eff. 8-15-14; 99-78, eff. 7-20-15; 99-212, eff.



1 1-1-16.)

2 (730 ILCS 5/5-6-3.3-5 new)

3 Sec. 5-6-3.3-5. Firearm Possession Accountability  
4 Initiative Program.

5 (a) When a person is charged with an offense under Section  
6 24-1, 24-1.1, 24-1.6, or 24-1.8 of the Criminal Code of 2012,  
7 the court, with the consent of the defendant and the State's  
8 Attorney, may continue this matter to allow a defendant to  
9 participate and complete the Firearm Possession Accountability  
10 Initiative Program.

11 (b) The conditions of the program shall be that the  
12 defendant:

13 (1) not violate any criminal statute of this State or  
14 any other jurisdiction;

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

17 (3) perform not less than 30 hours of community service  
18 that would benefit persons with gunshot-related  
19 disabilities, provided community service is available in  
20 the county and is funded and approved by the county board;

21 (4) attend educational courses designed to teach the  
22 offender about the firearm laws of this State and  
23 sentencing for violations of those laws;

24 (5) receive counseling and psychological or  
25 psychiatric treatment for impulse control and to decrease

1 aggressive behavior, if indicated by a validated risk  
2 assessment instrument;

3 (6) receive community safety case planning, to assess  
4 and address the perceived need to carry a weapon to avoid  
5 becoming a victim of violence; and

6 (7) be subject to supervision or additional pre-trial  
7 services as necessary.

8 (c) The Firearm Possession Accountability Initiative  
9 Program shall be administered according to the offender's  
10 measured risks, assets, and needs and without regard to the  
11 offender's financial ability to pay for the costs of those  
12 services. Firearm safety programs, including those  
13 administered by firearms advocacy organizations, may not be  
14 used under this Program.

15 (d) When the State's Attorney makes a factually specific  
16 offer of proof that the defendant has failed to successfully  
17 complete the Program or has violated any of the conditions of  
18 the Program, the court shall enter an order that the defendant  
19 has not successfully completed the Program and continue the  
20 case for arraignment and further proceedings as if the  
21 defendant had not participated in the Program.

22 (e) Upon fulfillment of the terms and conditions of the  
23 Program, the State's Attorney shall dismiss the case or the  
24 court shall discharge the person and dismiss the proceedings  
25 against the person.

26 (f) There may be only one discharge and dismissal under

1 this Section with respect to any person.

2 Section 140. The Illinois Civil Rights Act of 2003 is  
3 amended by changing Section 5 as follows:

4 (740 ILCS 23/5)

5 Sec. 5. Discrimination prohibited.

6 (a) No unit of State, county, or local government in  
7 Illinois shall:

8 (1) exclude a person from participation in, deny a  
9 person the benefits of, or subject a person to  
10 discrimination under any program or activity on the grounds  
11 of that person's race, color, national origin, or gender;  
12 ~~or~~

13 (2) utilize criteria or methods of administration that  
14 have the effect of subjecting individuals to  
15 discrimination because of their race, color, national  
16 origin, or gender; or

17 (3) fail to regulate firearm dealers for the sale of  
18 firearms in a fashion that results in a statistically  
19 disproportionate rate of firearm offenses in economically  
20 disadvantaged or racially segregated communities as  
21 compared to other communities.

22 (b) Any party aggrieved by conduct that violates subsection  
23 (a) may bring a civil lawsuit, in a federal district court or  
24 State circuit court, against the offending unit of government.

1 Any State claim brought in federal district court shall be a  
2 supplemental claim to a federal claim. This lawsuit must be  
3 brought not later than 2 years after the violation of  
4 subsection (a). If the court finds that a violation of  
5 paragraph (1), ~~or~~ (2), or (3) of subsection (a) has occurred,  
6 the court may award to the plaintiff actual damages. The court,  
7 as it deems appropriate, may grant as relief any permanent or  
8 preliminary negative or mandatory injunction, temporary  
9 restraining order, or other order.

10 (c) Upon motion, a court shall award reasonable attorneys'  
11 fees and costs, including expert witness fees and other  
12 litigation expenses, to a plaintiff who is a prevailing party  
13 in any action brought:

14 (1) pursuant to subsection (b); or

15 (2) to enforce a right arising under the Illinois  
16 Constitution.

17 In awarding reasonable attorneys' fees, the court shall  
18 consider the degree to which the relief obtained relates to the  
19 relief sought.

20 (d) For the purpose of this Act, the term "prevailing  
21 party" includes any party:

22 (1) who obtains some of his or her requested relief  
23 through a judicial judgment in his or her favor;

24 (2) who obtains some of his or her requested relief  
25 through any settlement agreement approved by the court; or

26 (3) whose pursuit of a non-frivolous claim was a

1 catalyst for a unilateral change in position by the  
2 opposing party relative to the relief sought.

3 (Source: P.A. 95-541, eff. 1-1-08.)

4 Section 995. No acceleration or delay. Where this Act makes  
5 changes in a statute that is represented in this Act by text  
6 that is not yet or no longer in effect (for example, a Section  
7 represented by multiple versions), the use of that text does  
8 not accelerate or delay the taking effect of (i) the changes  
9 made by this Act or (ii) provisions derived from any other  
10 Public Act."