



Rep. Elgie R. Sims, Jr.

Filed: 5/15/2017

10000SB1399ham001

LRB100 10078 WGH 26303 a

1 AMENDMENT TO SENATE BILL 1399

2 AMENDMENT NO. _____. Amend Senate Bill 1399 on page 1, by
3 inserting after line 3 the following:

4 "Section 3. The Juvenile Court Act of 1987 is amended by
5 changing the heading of Part 7A of Article V and by changing
6 Sections 5-710, 5-7A-101, 5-7A-110, 5-7A-115, 5-7A-120, and
7 5-7A-125 as follows:

8 (705 ILCS 405/5-710)

9 Sec. 5-710. Kinds of sentencing orders.

10 (1) The following kinds of sentencing orders may be made in
11 respect of wards of the court:

12 (a) Except as provided in Sections 5-805, 5-810, and
13 5-815, a minor who is found guilty under Section 5-620 may
14 be:

15 (i) put on probation or conditional discharge and
16 released to his or her parents, guardian or legal

1 custodian, provided, however, that any such minor who
2 is not committed to the Department of Juvenile Justice
3 under this subsection and who is found to be a
4 delinquent for an offense which is first degree murder,
5 a Class X felony, or a forcible felony shall be placed
6 on probation;

7 (ii) placed in accordance with Section 5-740, with
8 or without also being put on probation or conditional
9 discharge;

10 (iii) required to undergo a substance abuse
11 assessment conducted by a licensed provider and
12 participate in the indicated clinical level of care;

13 (iv) on and after the effective date of this
14 amendatory Act of the 98th General Assembly and before
15 January 1, 2017, placed in the guardianship of the
16 Department of Children and Family Services, but only if
17 the delinquent minor is under 16 years of age or,
18 pursuant to Article II of this Act, a minor for whom an
19 independent basis of abuse, neglect, or dependency
20 exists. On and after January 1, 2017, placed in the
21 guardianship of the Department of Children and Family
22 Services, but only if the delinquent minor is under 15
23 years of age or, pursuant to Article II of this Act, a
24 minor for whom an independent basis of abuse, neglect,
25 or dependency exists. An independent basis exists when
26 the allegations or adjudication of abuse, neglect, or

1 dependency do not arise from the same facts, incident,
2 or circumstances which give rise to a charge or
3 adjudication of delinquency;

4 (v) placed in detention for a period not to exceed
5 30 days, either as the exclusive order of disposition
6 or, where appropriate, in conjunction with any other
7 order of disposition issued under this paragraph,
8 provided that any such detention shall be in a juvenile
9 detention home and the minor so detained shall be 10
10 years of age or older. However, the 30-day limitation
11 may be extended by further order of the court for a
12 minor under age 15 committed to the Department of
13 Children and Family Services if the court finds that
14 the minor is a danger to himself or others. The minor
15 shall be given credit on the sentencing order of
16 detention for time spent in detention under Sections
17 5-501, 5-601, 5-710, or 5-720 of this Article as a
18 result of the offense for which the sentencing order
19 was imposed. The court may grant credit on a sentencing
20 order of detention entered under a violation of
21 probation or violation of conditional discharge under
22 Section 5-720 of this Article for time spent in
23 detention before the filing of the petition alleging
24 the violation. A minor shall not be deprived of credit
25 for time spent in detention before the filing of a
26 violation of probation or conditional discharge

1 alleging the same or related act or acts. The
2 limitation that the minor shall only be placed in a
3 juvenile detention home does not apply as follows:

4 Persons 18 years of age and older who have a
5 petition of delinquency filed against them may be
6 confined in an adult detention facility. In making a
7 determination whether to confine a person 18 years of
8 age or older who has a petition of delinquency filed
9 against the person, these factors, among other
10 matters, shall be considered:

11 (A) the age of the person;

12 (B) any previous delinquent or criminal
13 history of the person;

14 (C) any previous abuse or neglect history of
15 the person;

16 (D) any mental health history of the person;

17 and

18 (E) any educational history of the person;

19 (vi) ordered partially or completely emancipated
20 in accordance with the provisions of the Emancipation
21 of Minors Act;

22 (vii) subject to having his or her driver's license
23 or driving privileges suspended for such time as
24 determined by the court but only until he or she
25 attains 18 years of age;

26 (viii) put on probation or conditional discharge

1 and placed in detention under Section 3-6039 of the
2 Counties Code for a period not to exceed the period of
3 incarceration permitted by law for adults found guilty
4 of the same offense or offenses for which the minor was
5 adjudicated delinquent, and in any event no longer than
6 upon attainment of age 21; this subdivision (viii)
7 notwithstanding any contrary provision of the law;

8 (ix) ordered to undergo a medical or other
9 procedure to have a tattoo symbolizing allegiance to a
10 street gang removed from his or her body; or

11 (x) placed in electronic monitoring or home
12 detention under Part 7A of this Article.

13 (b) A minor found to be guilty may be committed to the
14 Department of Juvenile Justice under Section 5-750 if the
15 minor is at least 13 years and under 20 years of age,
16 provided that the commitment to the Department of Juvenile
17 Justice shall be made only if the minor was found guilty of
18 a felony offense or first degree murder. The court shall
19 include in the sentencing order any pre-custody credits the
20 minor is entitled to under Section 5-4.5-100 of the Unified
21 Code of Corrections. The time during which a minor is in
22 custody before being released upon the request of a parent,
23 guardian or legal custodian shall also be considered as
24 time spent in custody.

25 (c) When a minor is found to be guilty for an offense
26 which is a violation of the Illinois Controlled Substances

1 Act, the Cannabis Control Act, or the Methamphetamine
2 Control and Community Protection Act and made a ward of the
3 court, the court may enter a disposition order requiring
4 the minor to undergo assessment, counseling or treatment in
5 a substance abuse program approved by the Department of
6 Human Services.

7 (2) Any sentencing order other than commitment to the
8 Department of Juvenile Justice may provide for protective
9 supervision under Section 5-725 and may include an order of
10 protection under Section 5-730.

11 (3) Unless the sentencing order expressly so provides, it
12 does not operate to close proceedings on the pending petition,
13 but is subject to modification until final closing and
14 discharge of the proceedings under Section 5-750.

15 (4) In addition to any other sentence, the court may order
16 any minor found to be delinquent to make restitution, in
17 monetary or non-monetary form, under the terms and conditions
18 of Section 5-5-6 of the Unified Code of Corrections, except
19 that the "presentencing hearing" referred to in that Section
20 shall be the sentencing hearing for purposes of this Section.
21 The parent, guardian or legal custodian of the minor may be
22 ordered by the court to pay some or all of the restitution on
23 the minor's behalf, pursuant to the Parental Responsibility
24 Law. The State's Attorney is authorized to act on behalf of any
25 victim in seeking restitution in proceedings under this
26 Section, up to the maximum amount allowed in Section 5 of the

1 Parental Responsibility Law.

2 (5) Any sentencing order where the minor is committed or
3 placed in accordance with Section 5-740 shall provide for the
4 parents or guardian of the estate of the minor to pay to the
5 legal custodian or guardian of the person of the minor such
6 sums as are determined by the custodian or guardian of the
7 person of the minor as necessary for the minor's needs. The
8 payments may not exceed the maximum amounts provided for by
9 Section 9.1 of the Children and Family Services Act.

10 (6) Whenever the sentencing order requires the minor to
11 attend school or participate in a program of training, the
12 truant officer or designated school official shall regularly
13 report to the court if the minor is a chronic or habitual
14 truant under Section 26-2a of the School Code. Notwithstanding
15 any other provision of this Act, in instances in which
16 educational services are to be provided to a minor in a
17 residential facility where the minor has been placed by the
18 court, costs incurred in the provision of those educational
19 services must be allocated based on the requirements of the
20 School Code.

21 (7) In no event shall a guilty minor be committed to the
22 Department of Juvenile Justice for a period of time in excess
23 of that period for which an adult could be committed for the
24 same act. The court shall include in the sentencing order a
25 limitation on the period of confinement not to exceed the
26 maximum period of imprisonment the court could impose under

1 Article V of the Unified Code of Corrections.

2 (7.5) In no event shall a guilty minor be committed to the
3 Department of Juvenile Justice or placed in detention when the
4 act for which the minor was adjudicated delinquent would not be
5 illegal if committed by an adult.

6 (7.6) In no event shall a guilty minor be committed to the
7 Department of Juvenile Justice for an offense which is a Class
8 4 felony under Section 19-4 (criminal trespass to a residence),
9 21-1 (criminal damage to property), 21-1.01 (criminal damage to
10 government supported property), 21-1.3 (criminal defacement of
11 property), 26-1 (disorderly conduct), or 31-4 (obstructing
12 justice) of the Criminal Code of 2012.

13 (7.75) In no event shall a guilty minor be committed to the
14 Department of Juvenile Justice for an offense that is a Class 3
15 or Class 4 felony violation of the Illinois Controlled
16 Substances Act unless the commitment occurs upon a third or
17 subsequent judicial finding of a violation of probation for
18 substantial noncompliance with court-ordered ~~court-ordered~~
19 treatment or programming.

20 (8) A minor found to be guilty for reasons that include a
21 violation of Section 21-1.3 of the Criminal Code of 1961 or the
22 Criminal Code of 2012 shall be ordered to perform community
23 service for not less than 30 and not more than 120 hours, if
24 community service is available in the jurisdiction. The
25 community service shall include, but need not be limited to,
26 the cleanup and repair of the damage that was caused by the

1 violation or similar damage to property located in the
2 municipality or county in which the violation occurred. The
3 order may be in addition to any other order authorized by this
4 Section.

5 (8.5) A minor found to be guilty for reasons that include a
6 violation of Section 3.02 or Section 3.03 of the Humane Care
7 for Animals Act or paragraph (d) of subsection (1) of Section
8 21-1 of the Criminal Code of 1961 or paragraph (4) of
9 subsection (a) of Section 21-1 of the Criminal Code of 2012
10 shall be ordered to undergo medical or psychiatric treatment
11 rendered by a psychiatrist or psychological treatment rendered
12 by a clinical psychologist. The order may be in addition to any
13 other order authorized by this Section.

14 (9) In addition to any other sentencing order, the court
15 shall order any minor found to be guilty for an act which would
16 constitute, predatory criminal sexual assault of a child,
17 aggravated criminal sexual assault, criminal sexual assault,
18 aggravated criminal sexual abuse, or criminal sexual abuse if
19 committed by an adult to undergo medical testing to determine
20 whether the defendant has any sexually transmissible disease
21 including a test for infection with human immunodeficiency
22 virus (HIV) or any other identified causative agency of
23 acquired immunodeficiency syndrome (AIDS). Any medical test
24 shall be performed only by appropriately licensed medical
25 practitioners and may include an analysis of any bodily fluids
26 as well as an examination of the minor's person. Except as

1 otherwise provided by law, the results of the test shall be
2 kept strictly confidential by all medical personnel involved in
3 the testing and must be personally delivered in a sealed
4 envelope to the judge of the court in which the sentencing
5 order was entered for the judge's inspection in camera. Acting
6 in accordance with the best interests of the victim and the
7 public, the judge shall have the discretion to determine to
8 whom the results of the testing may be revealed. The court
9 shall notify the minor of the results of the test for infection
10 with the human immunodeficiency virus (HIV). The court shall
11 also notify the victim if requested by the victim, and if the
12 victim is under the age of 15 and if requested by the victim's
13 parents or legal guardian, the court shall notify the victim's
14 parents or the legal guardian, of the results of the test for
15 infection with the human immunodeficiency virus (HIV). The
16 court shall provide information on the availability of HIV
17 testing and counseling at the Department of Public Health
18 facilities to all parties to whom the results of the testing
19 are revealed. The court shall order that the cost of any test
20 shall be paid by the county and may be taxed as costs against
21 the minor.

22 (10) When a court finds a minor to be guilty the court
23 shall, before entering a sentencing order under this Section,
24 make a finding whether the offense committed either: (a) was
25 related to or in furtherance of the criminal activities of an
26 organized gang or was motivated by the minor's membership in or

1 allegiance to an organized gang, or (b) involved a violation of
2 subsection (a) of Section 12-7.1 of the Criminal Code of 1961
3 or the Criminal Code of 2012, a violation of any Section of
4 Article 24 of the Criminal Code of 1961 or the Criminal Code of
5 2012, or a violation of any statute that involved the wrongful
6 use of a firearm. If the court determines the question in the
7 affirmative, and the court does not commit the minor to the
8 Department of Juvenile Justice, the court shall order the minor
9 to perform community service for not less than 30 hours nor
10 more than 120 hours, provided that community service is
11 available in the jurisdiction and is funded and approved by the
12 county board of the county where the offense was committed. The
13 community service shall include, but need not be limited to,
14 the cleanup and repair of any damage caused by a violation of
15 Section 21-1.3 of the Criminal Code of 1961 or the Criminal
16 Code of 2012 and similar damage to property located in the
17 municipality or county in which the violation occurred. When
18 possible and reasonable, the community service shall be
19 performed in the minor's neighborhood. This order shall be in
20 addition to any other order authorized by this Section except
21 for an order to place the minor in the custody of the
22 Department of Juvenile Justice. For the purposes of this
23 Section, "organized gang" has the meaning ascribed to it in
24 Section 10 of the Illinois Streetgang Terrorism Omnibus
25 Prevention Act.

26 (11) If the court determines that the offense was committed

1 in furtherance of the criminal activities of an organized gang,
2 as provided in subsection (10), and that the offense involved
3 the operation or use of a motor vehicle or the use of a
4 driver's license or permit, the court shall notify the
5 Secretary of State of that determination and of the period for
6 which the minor shall be denied driving privileges. If, at the
7 time of the determination, the minor does not hold a driver's
8 license or permit, the court shall provide that the minor shall
9 not be issued a driver's license or permit until his or her
10 18th birthday. If the minor holds a driver's license or permit
11 at the time of the determination, the court shall provide that
12 the minor's driver's license or permit shall be revoked until
13 his or her 21st birthday, or until a later date or occurrence
14 determined by the court. If the minor holds a driver's license
15 at the time of the determination, the court may direct the
16 Secretary of State to issue the minor a judicial driving
17 permit, also known as a JDP. The JDP shall be subject to the
18 same terms as a JDP issued under Section 6-206.1 of the
19 Illinois Vehicle Code, except that the court may direct that
20 the JDP be effective immediately.

21 (12) If a minor is found to be guilty of a violation of
22 subsection (a-7) of Section 1 of the Prevention of Tobacco Use
23 by Minors Act, the court may, in its discretion, and upon
24 recommendation by the State's Attorney, order that minor and
25 his or her parents or legal guardian to attend a smoker's
26 education or youth diversion program as defined in that Act if

1 that program is available in the jurisdiction where the
2 offender resides. Attendance at a smoker's education or youth
3 diversion program shall be time-credited against any community
4 service time imposed for any first violation of subsection
5 (a-7) of Section 1 of that Act. In addition to any other
6 penalty that the court may impose for a violation of subsection
7 (a-7) of Section 1 of that Act, the court, upon request by the
8 State's Attorney, may in its discretion require the offender to
9 remit a fee for his or her attendance at a smoker's education
10 or youth diversion program.

11 For purposes of this Section, "smoker's education program"
12 or "youth diversion program" includes, but is not limited to, a
13 seminar designed to educate a person on the physical and
14 psychological effects of smoking tobacco products and the
15 health consequences of smoking tobacco products that can be
16 conducted with a locality's youth diversion program.

17 In addition to any other penalty that the court may impose
18 under this subsection (12):

19 (a) If a minor violates subsection (a-7) of Section 1
20 of the Prevention of Tobacco Use by Minors Act, the court
21 may impose a sentence of 15 hours of community service or a
22 fine of \$25 for a first violation.

23 (b) A second violation by a minor of subsection (a-7)
24 of Section 1 of that Act that occurs within 12 months after
25 the first violation is punishable by a fine of \$50 and 25
26 hours of community service.

1 (c) A third or subsequent violation by a minor of
2 subsection (a-7) of Section 1 of that Act that occurs
3 within 12 months after the first violation is punishable by
4 a \$100 fine and 30 hours of community service.

5 (d) Any second or subsequent violation not within the
6 12-month time period after the first violation is
7 punishable as provided for a first violation.

8 (Source: P.A. 98-536, eff. 8-23-13; 98-803, eff. 1-1-15;
9 99-268, eff. 1-1-16; 99-628, eff. 1-1-17; 99-879, eff. 1-1-17;
10 revised 9-2-16.)

11 (705 ILCS 405/Art. V Pt. 7A heading)

12 PART 7A. JUVENILE ELECTRONIC MONITORING AND HOME DETENTION LAW

13 (Source: P.A. 96-293, eff. 1-1-10.)

14 (705 ILCS 405/5-7A-101)

15 Sec. 5-7A-101. Short title. This Part may be cited as the
16 Juvenile Electronic Monitoring and Home Detention Law.

17 (Source: P.A. 96-293, eff. 1-1-10.)

18 (705 ILCS 405/5-7A-110)

19 Sec. 5-7A-110. Application.

20 (a) Except as provided in subsection (d), a minor subject
21 to an adjudicatory hearing or adjudicated delinquent for an act
22 that if committed by an adult would be an excluded offense may
23 not be placed in an electronic monitoring or home detention

1 program, except upon order of the court upon good cause shown.

2 (b) A minor adjudicated delinquent for an act that if
3 committed by an adult would be a Class 1 felony, other than an
4 excluded offense, may be placed in an electronic monitoring or
5 home detention program.

6 (c) A minor adjudicated delinquent for an act that if
7 committed by an adult would be a Class X felony, other than an
8 excluded offense, may be placed in an electronic monitoring or
9 home detention program, provided that the person was sentenced
10 on or after the effective date of this amendatory Act of the
11 96th General Assembly and provided that the court has not
12 prohibited the program for the minor in the sentencing order.

13 (d) Applications for electronic monitoring or home
14 detention may include the following:

- 15 (1) pre-adjudicatory detention;
- 16 (2) probation;
- 17 (3) furlough;
- 18 (4) post-trial incarceration; or
- 19 (5) any other disposition under this Article.

20 (Source: P.A. 96-293, eff. 1-1-10.)

21 (705 ILCS 405/5-7A-115)

22 Sec. 5-7A-115. Program description. The supervising
23 authority may promulgate rules that prescribe reasonable
24 guidelines under which an electronic monitoring and home
25 detention program shall operate. These rules shall include, but

1 not be limited~~r~~ to_l the following:

2 (A) The participant shall remain within the interior
3 premises or within the property boundaries of his or her
4 residence at all times during the hours designated by the
5 supervising authority. Such instances of approved absences
6 from the home may include, but are not limited to, the
7 following:

8 (1) working or employment approved by the court or
9 traveling to or from approved employment;

10 (2) unemployed and seeking employment approved for
11 the participant by the court;

12 (3) undergoing medical, psychiatric, mental health
13 treatment, counseling, or other treatment programs
14 approved for the participant by the court;

15 (4) attending an educational institution or a
16 program approved for the participant by the court;

17 (5) attending a regularly scheduled religious
18 service at a place of worship;

19 (6) participating in community work release or
20 community service programs approved for the
21 participant by the supervising authority; or

22 (7) for another compelling reason consistent with
23 the public interest, as approved by the supervising
24 authority.

25 (B) The participant shall admit any person or agent
26 designated by the supervising authority into his or her

1 residence at any time for purposes of verifying the
2 participant's compliance with the conditions of his or her
3 detention.

4 (C) The participant shall make the necessary
5 arrangements to allow for any person or agent designated by
6 the supervising authority to visit the participant's place
7 of education or employment at any time, based upon the
8 approval of the educational institution or employer or
9 both, for the purpose of verifying the participant's
10 compliance with the conditions of his or her detention.

11 (D) The participant shall acknowledge and participate
12 with the approved electronic monitoring device as
13 designated by the supervising authority at any time for the
14 purpose of verifying the participant's compliance with the
15 conditions of his or her detention.

16 (E) The participant shall maintain the following:

17 (1) a working telephone in the participant's home;

18 (2) a monitoring device in the participant's home
19 or on the participant's person, or both; and

20 (3) a monitoring device in the participant's home
21 and on the participant's person in the absence of a
22 telephone.

23 (F) The participant shall obtain approval from the
24 supervising authority before the participant changes
25 residence or the schedule described in paragraph (A) of
26 this Section.

1 (G) The participant shall not commit another act that
2 if committed by an adult would constitute a crime during
3 the period of home detention ordered by the court.

4 (H) Notice to the participant that violation of the
5 order for home detention may subject the participant to an
6 adjudicatory hearing for escape as described in Section
7 5-7A-120.

8 (I) The participant shall abide by other conditions as
9 set by the supervising authority.

10 (Source: P.A. 96-293, eff. 1-1-10; revised 10-25-16.)

11 (705 ILCS 405/5-7A-120)

12 Sec. 5-7A-120. Escape; failure to comply with a condition
13 of the juvenile electronic ~~home~~ monitoring or home detention
14 program. A minor charged with or adjudicated delinquent for an
15 act that, if committed by an adult, would constitute a felony
16 or misdemeanor, conditionally released from the supervising
17 authority through a juvenile electronic ~~home~~ monitoring or home
18 detention program, who knowingly violates a condition of the
19 juvenile electronic ~~home~~ monitoring or home detention program
20 shall be adjudicated a delinquent minor for such act and shall
21 be subject to an additional sentencing order under Section
22 5-710.

23 (Source: P.A. 96-293, eff. 1-1-10; 97-333, eff. 8-12-11.)

24 (705 ILCS 405/5-7A-125)

1 Sec. 5-7A-125. Consent of the participant. Before entering
2 an order for commitment for juvenile electronic monitoring ~~home~~
3 ~~detention~~, the supervising authority shall inform the
4 participant and other persons residing in the home of the
5 nature and extent of the approved electronic monitoring devices
6 by doing the following:

7 (A) Securing the written consent of the participant in
8 the program to comply with the rules and regulations of the
9 program as stipulated in paragraphs (A) through (I) of
10 Section 5-7A-115.

11 (B) Where possible, securing the written consent of
12 other persons residing in the home of the participant,
13 including the parent or legal guardian of the minor and of
14 the person in whose name the telephone is registered, at
15 the time of the order for ~~or~~ commitment for electronic
16 monitoring ~~home detention~~ is entered and acknowledge the
17 nature and extent of approved electronic monitoring
18 devices.

19 (C) Ensure that the approved electronic devices are
20 minimally intrusive upon the privacy of the participant and
21 other persons residing in the home while remaining in
22 compliance with paragraphs (B) through (D) of Section
23 5-7A-115.

24 (Source: P.A. 96-293, eff. 1-1-10; 97-333, eff. 8-12-11.)"; and

25 on page 1, by replacing lines 10 and 11 with the following:

1 "juveniles subject to the jurisdiction of the juvenile drug
2 court program as a less restrictive alternative to detention,
3 consistent with any available evidence-based risk assessment
4 or substance abuse treatment eligibility screening.

5 Section 10. The Criminal Code of 2012 is amended by
6 changing Section 11-9.2 as follows:

7 (720 ILCS 5/11-9.2)

8 Sec. 11-9.2. Custodial sexual misconduct.

9 (a) A person commits custodial sexual misconduct when: (1)
10 he or she is an employee of a penal system and engages in
11 sexual conduct or sexual penetration with a person who is in
12 the custody of that penal system or (2) he or she is an
13 employee of a treatment and detention facility and engages in
14 sexual conduct or sexual penetration with a person who is in
15 the custody of that treatment and detention facility.

16 (b) A probation or supervising officer, surveillance
17 agent, or aftercare specialist commits custodial sexual
18 misconduct when the probation or supervising officer,
19 surveillance agent, or aftercare specialist engages in sexual
20 conduct or sexual penetration with a probationer, parolee, or
21 releasee or person serving a term of conditional release who is
22 under the supervisory, disciplinary, or custodial authority of
23 the officer or agent or employee so engaging in the sexual
24 conduct or sexual penetration.

1 (c) Custodial sexual misconduct is a Class 3 felony.

2 (d) Any person convicted of violating this Section
3 immediately shall forfeit his or her employment with a penal
4 system, treatment and detention facility, or conditional
5 release program.

6 (e) For purposes of this Section, the consent of the
7 probationer, parolee, releasee, or inmate in custody of the
8 penal system or person detained or civilly committed under the
9 Sexually Violent Persons Commitment Act shall not be a defense
10 to a prosecution under this Section. A person is deemed
11 incapable of consent, for purposes of this Section, when he or
12 she is a probationer, parolee, releasee, or inmate in custody
13 of a penal system or person detained or civilly committed under
14 the Sexually Violent Persons Commitment Act.

15 (f) This Section does not apply to:

16 (1) Any employee, probation or supervising officer,
17 surveillance agent, or aftercare specialist who is
18 lawfully married to a person in custody if the marriage
19 occurred before the date of custody.

20 (2) Any employee, probation or supervising officer,
21 surveillance agent, or aftercare specialist who has no
22 knowledge, and would have no reason to believe, that the
23 person with whom he or she engaged in custodial sexual
24 misconduct was a person in custody.

25 (g) In this Section:

26 (0.5) "Aftercare specialist" means any person employed

1 by the Department of Juvenile Justice to supervise and
2 facilitate services for persons placed on aftercare
3 release.

4 (1) "Custody" means:

5 (i) pretrial incarceration or detention;

6 (ii) incarceration or detention under a sentence
7 or commitment to a State or local penal institution;

8 (iii) parole, aftercare release, or mandatory
9 supervised release;

10 (iv) electronic monitoring or home detention;

11 (v) probation;

12 (vi) detention or civil commitment either in
13 secure care or in the community under the Sexually
14 Violent Persons Commitment Act.

15 (2) "Penal system" means any system which includes
16 institutions as defined in Section 2-14 of this Code or a
17 county shelter care or detention home established under
18 Section 1 of the County Shelter Care and Detention Home
19 Act.

20 (2.1) "Treatment and detention facility" means any
21 Department of Human Services facility established for the
22 detention or civil commitment of persons under the Sexually
23 Violent Persons Commitment Act.

24 (2.2) "Conditional release" means a program of
25 treatment and services, vocational services, and alcohol
26 or other drug abuse treatment provided to any person

1 civilly committed and conditionally released to the
2 community under the Sexually Violent Persons Commitment
3 Act;

4 (3) "Employee" means:

5 (i) an employee of any governmental agency of this
6 State or any county or municipal corporation that has
7 by statute, ordinance, or court order the
8 responsibility for the care, control, or supervision
9 of pretrial or sentenced persons in a penal system or
10 persons detained or civilly committed under the
11 Sexually Violent Persons Commitment Act;

12 (ii) a contractual employee of a penal system as
13 defined in paragraph (g)(2) of this Section who works
14 in a penal institution as defined in Section 2-14 of
15 this Code;

16 (iii) a contractual employee of a "treatment and
17 detention facility" as defined in paragraph (g)(2.1)
18 of this Code or a contractual employee of the
19 Department of Human Services who provides supervision
20 of persons serving a term of conditional release as
21 defined in paragraph (g)(2.2) of this Code.

22 (4) "Sexual conduct" or "sexual penetration" means any
23 act of sexual conduct or sexual penetration as defined in
24 Section 11-0.1 of this Code.

25 (5) "Probation officer" means any person employed in a
26 probation or court services department as defined in

1 Section 9b of the Probation and Probation Officers Act.

2 (6) "Supervising officer" means any person employed to
3 supervise persons placed on parole or mandatory supervised
4 release with the duties described in Section 3-14-2 of the
5 Unified Code of Corrections.

6 (7) "Surveillance agent" means any person employed or
7 contracted to supervise persons placed on conditional
8 release in the community under the Sexually Violent Persons
9 Commitment Act.

10 (Source: P.A. 98-558, eff. 1-1-14.)

11 Section 15. The Unified Code of Corrections is amended by
12 changing Sections 5-1-10, 5-4.5-20, 5-4.5-25, 5-4.5-30,
13 5-4.5-35, 5-4.5-40, 5-4.5-45, 5-4.5-55, 5-4.5-60, 5-4.5-65,
14 5-8-1, 5-8A-3, 5-8A-4.1, 5-8A-5, and 5-8A-6 as follows:

15 (730 ILCS 5/5-1-10) (from Ch. 38, par. 1005-1-10)

16 Sec. 5-1-10. Imprisonment. "Imprisonment" means
17 incarceration in a correctional institution under a sentence of
18 imprisonment and does not include "periodic imprisonment"
19 under Article 7. "Imprisonment" also includes electronic
20 monitoring or home detention served by an offender after (i)
21 the offender has been committed to the custody of the sheriff
22 to serve the sentence and (ii) the sheriff has placed the
23 offender in an electronic monitoring or home detention program
24 in accordance with Article 8A of Chapter V of this Code.

1 (Source: P.A. 98-161, eff. 1-1-14.)

2 (730 ILCS 5/5-4.5-20)

3 Sec. 5-4.5-20. FIRST DEGREE MURDER; SENTENCE. For first
4 degree murder:

5 (a) TERM. The defendant shall be sentenced to imprisonment
6 or, if appropriate, death under Section 9-1 of the Criminal
7 Code of 1961 or the Criminal Code of 2012 (720 ILCS 5/9-1).
8 Imprisonment shall be for a determinate term of (1) not less
9 than 20 years and not more than 60 years; (2) not less than 60
10 years and not more than 100 years when an extended term is
11 imposed under Section 5-8-2 (730 ILCS 5/5-8-2); or (3) natural
12 life as provided in Section 5-8-1 (730 ILCS 5/5-8-1).

13 (b) PERIODIC IMPRISONMENT. A term of periodic imprisonment
14 shall not be imposed.

15 (c) IMPACT INCARCERATION. The impact incarceration program
16 or the county impact incarceration program is not an authorized
17 disposition.

18 (d) PROBATION; CONDITIONAL DISCHARGE. A period of
19 probation or conditional discharge shall not be imposed.

20 (e) FINE. Fines may be imposed as provided in Section
21 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

22 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
23 concerning restitution.

24 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
25 be concurrent or consecutive as provided in Section 5-8-4 (730

1 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

2 (h) DRUG COURT. Drug court is not an authorized
3 disposition.

4 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
5 ILCS 5/5-4.5-100) concerning no credit for time spent in home
6 detention prior to judgment.

7 (j) SENTENCE CREDIT. See Section 3-6-3 (730 ILCS 5/3-6-3)
8 for rules and regulations for sentence credit.

9 (k) ELECTRONIC MONITORING AND HOME DETENTION. Electronic
10 monitoring and home detention are not authorized dispositions
11 ~~is not an authorized disposition~~, except in limited
12 circumstances as provided in Section 5-8A-3 (730 ILCS
13 5/5-8A-3).

14 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
15 provided in Section 3-3-8 (730 ILCS 5/3-3-8), the parole or
16 mandatory supervised release term shall be 3 years upon release
17 from imprisonment.

18 (Source: P.A. 97-697, eff. 6-22-12; 97-1150, eff. 1-25-13.)

19 (730 ILCS 5/5-4.5-25)

20 Sec. 5-4.5-25. CLASS X FELONIES; SENTENCE. For a Class X
21 felony:

22 (a) TERM. The sentence of imprisonment shall be a
23 determinate sentence of not less than 6 years and not more than
24 30 years. The sentence of imprisonment for an extended term
25 Class X felony, as provided in Section 5-8-2 (730 ILCS

1 5/5-8-2), shall be not less than 30 years and not more than 60
2 years.

3 (b) PERIODIC IMPRISONMENT. A term of periodic imprisonment
4 shall not be imposed.

5 (c) IMPACT INCARCERATION. The impact incarceration program
6 or the county impact incarceration program is not an authorized
7 disposition.

8 (d) PROBATION; CONDITIONAL DISCHARGE. A period of
9 probation or conditional discharge shall not be imposed.

10 (e) FINE. Fines may be imposed as provided in Section
11 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

12 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
13 concerning restitution.

14 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
15 be concurrent or consecutive as provided in Section 5-8-4 (730
16 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

17 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
18 Act (730 ILCS 166/20) concerning eligibility for a drug court
19 program.

20 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
21 ILCS 5/5-4.5-100) concerning no credit for time spent in home
22 detention prior to judgment.

23 (j) SENTENCE CREDIT. See Section 3-6-3 (730 ILCS 5/3-6-3)
24 for rules and regulations for sentence credit.

25 (k) ELECTRONIC MONITORING AND HOME DETENTION. See Section
26 5-8A-3 (730 ILCS 5/5-8A-3) concerning eligibility for

1 electronic monitoring and home detention.

2 (1) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
3 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or
4 5/5-8-1), the parole or mandatory supervised release term shall
5 be 3 years upon release from imprisonment.

6 (Source: P.A. 97-697, eff. 6-22-12.)

7 (730 ILCS 5/5-4.5-30)

8 Sec. 5-4.5-30. CLASS 1 FELONIES; SENTENCE. For a Class 1
9 felony:

10 (a) TERM. The sentence of imprisonment, other than for
11 second degree murder, shall be a determinate sentence of not
12 less than 4 years and not more than 15 years. The sentence of
13 imprisonment for second degree murder shall be a determinate
14 sentence of not less than 4 years and not more than 20 years.
15 The sentence of imprisonment for an extended term Class 1
16 felony, as provided in Section 5-8-2 (730 ILCS 5/5-8-2), shall
17 be a term not less than 15 years and not more than 30 years.

18 (b) PERIODIC IMPRISONMENT. A sentence of periodic
19 imprisonment shall be for a definite term of from 3 to 4 years,
20 except as otherwise provided in Section 5-5-3 or 5-7-1 (730
21 ILCS 5/5-5-3 or 5/5-7-1).

22 (c) IMPACT INCARCERATION. See Sections 5-8-1.1 and 5-8-1.2
23 (730 ILCS 5/5-8-1.1 and 5/5-8-1.2) concerning eligibility for
24 the impact incarceration program or the county impact
25 incarceration program.

1 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
2 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the
3 period of probation or conditional discharge shall not exceed 4
4 years. The court shall specify the conditions of probation or
5 conditional discharge as set forth in Section 5-6-3 (730 ILCS
6 5/5-6-3). In no case shall an offender be eligible for a
7 disposition of probation or conditional discharge for a Class 1
8 felony committed while he or she was serving a term of
9 probation or conditional discharge for a felony.

10 (e) FINE. Fines may be imposed as provided in Section
11 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

12 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
13 concerning restitution.

14 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
15 be concurrent or consecutive as provided in Section 5-8-4 (730
16 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

17 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
18 Act (730 ILCS 166/20) concerning eligibility for a drug court
19 program.

20 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
21 ILCS 5/5-4.5-100) concerning credit for time spent in home
22 detention prior to judgment.

23 (j) SENTENCE CREDIT. See Section 3-6-3 of this Code (730
24 ILCS 5/3-6-3) or the County Jail Good Behavior Allowance Act
25 (730 ILCS 130/) for rules and regulations for sentence credit.

26 (k) ELECTRONIC MONITORING AND HOME DETENTION. See Section

1 5-8A-3 (730 ILCS 5/5-8A-3) concerning eligibility for
2 electronic monitoring and home detention.

3 (1) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
4 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or
5 5/5-8-1), the parole or mandatory supervised release term shall
6 be 2 years upon release from imprisonment.

7 (Source: P.A. 97-697, eff. 6-22-12.)

8 (730 ILCS 5/5-4.5-35)

9 Sec. 5-4.5-35. CLASS 2 FELONIES; SENTENCE. For a Class 2
10 felony:

11 (a) TERM. The sentence of imprisonment shall be a
12 determinate sentence of not less than 3 years and not more than
13 7 years. The sentence of imprisonment for an extended term
14 Class 2 felony, as provided in Section 5-8-2 (730 ILCS
15 5/5-8-2), shall be a term not less than 7 years and not more
16 than 14 years.

17 (b) PERIODIC IMPRISONMENT. A sentence of periodic
18 imprisonment shall be for a definite term of from 18 to 30
19 months, except as otherwise provided in Section 5-5-3 or 5-7-1
20 (730 ILCS 5/5-5-3 or 5/5-7-1).

21 (c) IMPACT INCARCERATION. See Sections 5-8-1.1 and 5-8-1.2
22 (730 ILCS 5/5-8-1.1 and 5/5-8-1.2) concerning eligibility for
23 the impact incarceration program or the county impact
24 incarceration program.

25 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided

1 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the
2 period of probation or conditional discharge shall not exceed 4
3 years. The court shall specify the conditions of probation or
4 conditional discharge as set forth in Section 5-6-3 (730 ILCS
5 5/5-6-3).

6 (e) FINE. Fines may be imposed as provided in Section
7 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

8 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
9 concerning restitution.

10 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
11 be concurrent or consecutive as provided in Section 5-8-4 (730
12 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

13 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
14 Act (730 ILCS 166/20) concerning eligibility for a drug court
15 program.

16 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
17 ILCS 5/5-4.5-100) concerning credit for time spent in home
18 detention prior to judgment.

19 (j) SENTENCE CREDIT. See Section 3-6-3 of this Code (730
20 ILCS 5/3-6-3) or the County Jail Good Behavior Allowance Act
21 (730 ILCS 130/) for rules and regulations for sentence credit.

22 (k) ELECTRONIC MONITORING AND HOME DETENTION. See Section
23 5-8A-3 (730 ILCS 5/5-8A-3) concerning eligibility for
24 electronic monitoring and home detention.

25 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
26 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or

1 5/5-8-1), the parole or mandatory supervised release term shall
2 be 2 years upon release from imprisonment.

3 (Source: P.A. 97-697, eff. 6-22-12.)

4 (730 ILCS 5/5-4.5-40)

5 Sec. 5-4.5-40. CLASS 3 FELONIES; SENTENCE. For a Class 3
6 felony:

7 (a) TERM. The sentence of imprisonment shall be a
8 determinate sentence of not less than 2 years and not more than
9 5 years. The sentence of imprisonment for an extended term
10 Class 3 felony, as provided in Section 5-8-2 (730 ILCS
11 5/5-8-2), shall be a term not less than 5 years and not more
12 than 10 years.

13 (b) PERIODIC IMPRISONMENT. A sentence of periodic
14 imprisonment shall be for a definite term of up to 18 months,
15 except as otherwise provided in Section 5-5-3 or 5-7-1 (730
16 ILCS 5/5-5-3 or 5/5-7-1).

17 (c) IMPACT INCARCERATION. See Sections 5-8-1.1 and 5-8-1.2
18 (730 ILCS 5/5-8-1.1 and 5/5-8-1.2) concerning eligibility for
19 the impact incarceration program or the county impact
20 incarceration program.

21 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
22 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the
23 period of probation or conditional discharge shall not exceed
24 30 months. The court shall specify the conditions of probation
25 or conditional discharge as set forth in Section 5-6-3 (730

1 ILCS 5/5-6-3).

2 (e) FINE. Fines may be imposed as provided in Section
3 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

4 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
5 concerning restitution.

6 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
7 be concurrent or consecutive as provided in Section 5-8-4 (730
8 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

9 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
10 Act (730 ILCS 166/20) concerning eligibility for a drug court
11 program.

12 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
13 ILCS 5/5-4.5-100) concerning credit for time spent in home
14 detention prior to judgment.

15 (j) SENTENCE CREDIT. See Section 3-6-3 of this Code (730
16 ILCS 5/3-6-3) or the County Jail Good Behavior Allowance Act
17 (730 ILCS 130/) for rules and regulations for sentence credit.

18 (k) ELECTRONIC MONITORING AND HOME DETENTION. See Section
19 5-8A-3 (730 ILCS 5/5-8A-3) concerning eligibility for
20 electronic monitoring and home detention.

21 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
22 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or
23 5/5-8-1), the parole or mandatory supervised release term shall
24 be one year upon release from imprisonment.

25 (Source: P.A. 97-697, eff. 6-22-12.)

1 (730 ILCS 5/5-4.5-45)

2 Sec. 5-4.5-45. CLASS 4 FELONIES; SENTENCE. For a Class 4
3 felony:

4 (a) TERM. The sentence of imprisonment shall be a
5 determinate sentence of not less than one year and not more
6 than 3 years. The sentence of imprisonment for an extended term
7 Class 4 felony, as provided in Section 5-8-2 (730 ILCS
8 5/5-8-2), shall be a term not less than 3 years and not more
9 than 6 years.

10 (b) PERIODIC IMPRISONMENT. A sentence of periodic
11 imprisonment shall be for a definite term of up to 18 months,
12 except as otherwise provided in Section 5-5-3 or 5-7-1 (730
13 ILCS 5/5-5-3 or 5/5-7-1).

14 (c) IMPACT INCARCERATION. See Sections 5-8-1.1 and 5-8-1.2
15 (730 ILCS 5/5-8-1.1 and 5/5-8-1.2) concerning eligibility for
16 the impact incarceration program or the county impact
17 incarceration program.

18 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
19 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the
20 period of probation or conditional discharge shall not exceed
21 30 months. The court shall specify the conditions of probation
22 or conditional discharge as set forth in Section 5-6-3 (730
23 ILCS 5/5-6-3).

24 (e) FINE. Fines may be imposed as provided in Section
25 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

26 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)

1 concerning restitution.

2 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
3 be concurrent or consecutive as provided in Section 5-8-4 (730
4 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

5 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
6 Act (730 ILCS 166/20) concerning eligibility for a drug court
7 program.

8 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
9 ILCS 5/5-4.5-100) concerning credit for time spent in home
10 detention prior to judgment.

11 (j) SENTENCE CREDIT. See Section 3-6-3 of this Code (730
12 ILCS 5/3-6-3) or the County Jail Good Behavior Allowance Act
13 (730 ILCS 130/) for rules and regulations for sentence credit.

14 (k) ELECTRONIC MONITORING AND HOME DETENTION. See Section
15 5-8A-3 (730 ILCS 5/5-8A-3) concerning eligibility for
16 electronic monitoring and home detention.

17 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
18 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or
19 5/5-8-1), the parole or mandatory supervised release term shall
20 be one year upon release from imprisonment.

21 (Source: P.A. 97-697, eff. 6-22-12.)

22 (730 ILCS 5/5-4.5-55)

23 Sec. 5-4.5-55. CLASS A MISDEMEANORS; SENTENCE. For a Class
24 A misdemeanor:

25 (a) TERM. The sentence of imprisonment shall be a

1 determinate sentence of less than one year.

2 (b) PERIODIC IMPRISONMENT. A sentence of periodic
3 imprisonment shall be for a definite term of less than one
4 year, except as otherwise provided in Section 5-5-3 or 5-7-1
5 (730 ILCS 5/5-5-3 or 5/5-7-1).

6 (c) IMPACT INCARCERATION. See Section 5-8-1.2 (730 ILCS
7 5/5-8-1.2) concerning eligibility for the county impact
8 incarceration program.

9 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
10 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the
11 period of probation or conditional discharge shall not exceed 2
12 years. The court shall specify the conditions of probation or
13 conditional discharge as set forth in Section 5-6-3 (730 ILCS
14 5/5-6-3).

15 (e) FINE. A fine not to exceed \$2,500 for each offense or
16 the amount specified in the offense, whichever is greater, may
17 be imposed. A fine may be imposed in addition to a sentence of
18 conditional discharge, probation, periodic imprisonment, or
19 imprisonment. See Article 9 of Chapter V (730 ILCS 5/Ch. V,
20 Art. 9) for imposition of additional amounts and determination
21 of amounts and payment.

22 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
23 concerning restitution.

24 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
25 be concurrent or consecutive as provided in Section 5-8-4 (730
26 ILCS 5/5-8-4).

1 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
2 Act (730 ILCS 166/20) concerning eligibility for a drug court
3 program.

4 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
5 ILCS 5/5-4.5-100) concerning credit for time spent in home
6 detention prior to judgment.

7 (j) GOOD BEHAVIOR ALLOWANCE. See the County Jail Good
8 Behavior Allowance Act (730 ILCS 130/) for rules and
9 regulations for good behavior allowance.

10 (k) ELECTRONIC MONITORING AND HOME DETENTION. See Section
11 5-8A-3 (730 ILCS 5/5-8A-3) concerning eligibility for
12 electronic monitoring and home detention.

13 (Source: P.A. 97-697, eff. 6-22-12.)

14 (730 ILCS 5/5-4.5-60)

15 Sec. 5-4.5-60. CLASS B MISDEMEANORS; SENTENCE. For a Class
16 B misdemeanor:

17 (a) TERM. The sentence of imprisonment shall be a
18 determinate sentence of not more than 6 months.

19 (b) PERIODIC IMPRISONMENT. A sentence of periodic
20 imprisonment shall be for a definite term of up to 6 months or
21 as otherwise provided in Section 5-7-1 (730 ILCS 5/5-7-1).

22 (c) IMPACT INCARCERATION. See Section 5-8-1.2 (730 ILCS
23 5/5-8-1.2) concerning eligibility for the county impact
24 incarceration program.

25 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided

1 in Section 5-6-2 (730 ILCS 5/5-6-2), the period of probation or
2 conditional discharge shall not exceed 2 years. The court shall
3 specify the conditions of probation or conditional discharge as
4 set forth in Section 5-6-3 (730 ILCS 5/5-6-3).

5 (e) FINE. A fine not to exceed \$1,500 for each offense or
6 the amount specified in the offense, whichever is greater, may
7 be imposed. A fine may be imposed in addition to a sentence of
8 conditional discharge, probation, periodic imprisonment, or
9 imprisonment. See Article 9 of Chapter V (730 ILCS 5/Ch. V,
10 Art. 9) for imposition of additional amounts and determination
11 of amounts and payment.

12 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
13 concerning restitution.

14 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
15 be concurrent or consecutive as provided in Section 5-8-4 (730
16 ILCS 5/5-8-4).

17 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
18 Act (730 ILCS 166/20) concerning eligibility for a drug court
19 program.

20 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
21 ILCS 5/5-4.5-100) concerning credit for time spent in home
22 detention prior to judgment.

23 (j) GOOD BEHAVIOR ALLOWANCE. See the County Jail Good
24 Behavior Allowance Act (730 ILCS 130/) for rules and
25 regulations for good behavior allowance.

26 (k) ELECTRONIC MONITORING AND HOME DETENTION. See Section

1 5-8A-3 (730 ILCS 5/5-8A-3) concerning eligibility for
2 electronic monitoring and home detention.

3 (Source: P.A. 97-697, eff. 6-22-12.)

4 (730 ILCS 5/5-4.5-65)

5 Sec. 5-4.5-65. CLASS C MISDEMEANORS; SENTENCE. For a Class
6 C misdemeanor:

7 (a) TERM. The sentence of imprisonment shall be a
8 determinate sentence of not more than 30 days.

9 (b) PERIODIC IMPRISONMENT. A sentence of periodic
10 imprisonment shall be for a definite term of up to 30 days or
11 as otherwise provided in Section 5-7-1 (730 ILCS 5/5-7-1).

12 (c) IMPACT INCARCERATION. See Section 5-8-1.2 (730 ILCS
13 5/5-8-1.2) concerning eligibility for the county impact
14 incarceration program.

15 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
16 in Section 5-6-2 (730 ILCS 5/5-6-2), the period of probation or
17 conditional discharge shall not exceed 2 years. The court shall
18 specify the conditions of probation or conditional discharge as
19 set forth in Section 5-6-3 (730 ILCS 5/5-6-3).

20 (e) FINE. A fine not to exceed \$1,500 for each offense or
21 the amount specified in the offense, whichever is greater, may
22 be imposed. A fine may be imposed in addition to a sentence of
23 conditional discharge, probation, periodic imprisonment, or
24 imprisonment. See Article 9 of Chapter V (730 ILCS 5/Ch. V,
25 Art. 9) for imposition of additional amounts and determination

1 of amounts and payment.

2 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
3 concerning restitution.

4 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
5 be concurrent or consecutive as provided in Section 5-8-4 (730
6 ILCS 5/5-8-4).

7 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
8 Act (730 ILCS 166/20) concerning eligibility for a drug court
9 program.

10 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
11 ILCS 5/5-4.5-100) concerning credit for time spent in home
12 detention prior to judgment.

13 (j) GOOD BEHAVIOR ALLOWANCE. See the County Jail Good
14 Behavior Allowance Act (730 ILCS 130/) for rules and
15 regulations for good behavior allowance.

16 (k) ELECTRONIC MONITORING AND HOME DETENTION. See Section
17 5-8A-3 (730 ILCS 5/5-8A-3) concerning eligibility for
18 electronic monitoring and home detention.

19 (Source: P.A. 97-697, eff. 6-22-12.)

20 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

21 Sec. 5-8-1. Natural life imprisonment; enhancements for
22 use of a firearm; mandatory supervised release terms.

23 (a) Except as otherwise provided in the statute defining
24 the offense or in Article 4.5 of Chapter V, a sentence of
25 imprisonment for a felony shall be a determinate sentence set

1 by the court under this Section, according to the following
2 limitations:

3 (1) for first degree murder,

4 (a) (blank),

5 (b) if a trier of fact finds beyond a reasonable
6 doubt that the murder was accompanied by exceptionally
7 brutal or heinous behavior indicative of wanton
8 cruelty or, except as set forth in subsection (a) (1) (c)
9 of this Section, that any of the aggravating factors
10 listed in subsection (b) or (b-5) of Section 9-1 of the
11 Criminal Code of 1961 or the Criminal Code of 2012 are
12 present, the court may sentence the defendant, subject
13 to Section 5-4.5-105, to a term of natural life
14 imprisonment, or

15 (c) the court shall sentence the defendant to a
16 term of natural life imprisonment if the defendant, at
17 the time of the commission of the murder, had attained
18 the age of 18, and

19 (i) has previously been convicted of first
20 degree murder under any state or federal law, or

21 (ii) is found guilty of murdering more than one
22 victim, or

23 (iii) is found guilty of murdering a peace
24 officer, fireman, or emergency management worker
25 when the peace officer, fireman, or emergency
26 management worker was killed in the course of

1 performing his official duties, or to prevent the
2 peace officer or fireman from performing his
3 official duties, or in retaliation for the peace
4 officer, fireman, or emergency management worker
5 from performing his official duties, and the
6 defendant knew or should have known that the
7 murdered individual was a peace officer, fireman,
8 or emergency management worker, or

9 (iv) is found guilty of murdering an employee
10 of an institution or facility of the Department of
11 Corrections, or any similar local correctional
12 agency, when the employee was killed in the course
13 of performing his official duties, or to prevent
14 the employee from performing his official duties,
15 or in retaliation for the employee performing his
16 official duties, or

17 (v) is found guilty of murdering an emergency
18 medical technician - ambulance, emergency medical
19 technician - intermediate, emergency medical
20 technician - paramedic, ambulance driver or other
21 medical assistance or first aid person while
22 employed by a municipality or other governmental
23 unit when the person was killed in the course of
24 performing official duties or to prevent the
25 person from performing official duties or in
26 retaliation for performing official duties and the

1 defendant knew or should have known that the
2 murdered individual was an emergency medical
3 technician - ambulance, emergency medical
4 technician - intermediate, emergency medical
5 technician - paramedic, ambulance driver, or other
6 medical assistant or first aid personnel, or

7 (vi) (blank), or

8 (vii) is found guilty of first degree murder
9 and the murder was committed by reason of any
10 person's activity as a community policing
11 volunteer or to prevent any person from engaging in
12 activity as a community policing volunteer. For
13 the purpose of this Section, "community policing
14 volunteer" has the meaning ascribed to it in
15 Section 2-3.5 of the Criminal Code of 2012.

16 For purposes of clause (v), "emergency medical
17 technician - ambulance", "emergency medical technician
18 - intermediate", "emergency medical technician -
19 paramedic", have the meanings ascribed to them in the
20 Emergency Medical Services (EMS) Systems Act.

21 (d) (i) if the person committed the offense while
22 armed with a firearm, 15 years shall be added to
23 the term of imprisonment imposed by the court;

24 (ii) if, during the commission of the offense,
25 the person personally discharged a firearm, 20
26 years shall be added to the term of imprisonment

1 imposed by the court;

2 (iii) if, during the commission of the
3 offense, the person personally discharged a
4 firearm that proximately caused great bodily harm,
5 permanent disability, permanent disfigurement, or
6 death to another person, 25 years or up to a term
7 of natural life shall be added to the term of
8 imprisonment imposed by the court.

9 (2) (blank);

10 (2.5) for a person who has attained the age of 18 years
11 at the time of the commission of the offense and who is
12 convicted under the circumstances described in subdivision
13 (b) (1) (B) of Section 11-1.20 or paragraph (3) of subsection
14 (b) of Section 12-13, subdivision (d) (2) of Section 11-1.30
15 or paragraph (2) of subsection (d) of Section 12-14,
16 subdivision (b) (1.2) of Section 11-1.40 or paragraph (1.2)
17 of subsection (b) of Section 12-14.1, subdivision (b) (2) of
18 Section 11-1.40 or paragraph (2) of subsection (b) of
19 Section 12-14.1 of the Criminal Code of 1961 or the
20 Criminal Code of 2012, the sentence shall be a term of
21 natural life imprisonment.

22 (b) (Blank).

23 (c) (Blank).

24 (d) Subject to earlier termination under Section 3-3-8, the
25 parole or mandatory supervised release term shall be written as
26 part of the sentencing order and shall be as follows:

1 (1) for first degree murder or a Class X felony except
2 for the offenses of predatory criminal sexual assault of a
3 child, aggravated criminal sexual assault, and criminal
4 sexual assault if committed on or after the effective date
5 of this amendatory Act of the 94th General Assembly and
6 except for the offense of aggravated child pornography
7 under Section 11-20.1B, 11-20.3, or 11-20.1 with
8 sentencing under subsection (c-5) of Section 11-20.1 of the
9 Criminal Code of 1961 or the Criminal Code of 2012, if
10 committed on or after January 1, 2009, 3 years;

11 (2) for a Class 1 felony or a Class 2 felony except for
12 the offense of criminal sexual assault if committed on or
13 after the effective date of this amendatory Act of the 94th
14 General Assembly and except for the offenses of manufacture
15 and dissemination of child pornography under clauses
16 (a)(1) and (a)(2) of Section 11-20.1 of the Criminal Code
17 of 1961 or the Criminal Code of 2012, if committed on or
18 after January 1, 2009, 2 years;

19 (3) for a Class 3 felony or a Class 4 felony, 1 year;

20 (4) for defendants who commit the offense of predatory
21 criminal sexual assault of a child, aggravated criminal
22 sexual assault, or criminal sexual assault, on or after the
23 effective date of this amendatory Act of the 94th General
24 Assembly, or who commit the offense of aggravated child
25 pornography under Section 11-20.1B, 11-20.3, or 11-20.1
26 with sentencing under subsection (c-5) of Section 11-20.1

1 of the Criminal Code of 1961 or the Criminal Code of 2012,
2 manufacture of child pornography, or dissemination of
3 child pornography after January 1, 2009, the term of
4 mandatory supervised release shall range from a minimum of
5 3 years to a maximum of the natural life of the defendant;

6 (5) if the victim is under 18 years of age, for a
7 second or subsequent offense of aggravated criminal sexual
8 abuse or felony criminal sexual abuse, 4 years, at least
9 the first 2 years of which the defendant shall serve in an
10 electronic monitoring or home detention program under
11 Article 8A of Chapter V of this Code;

12 (6) for a felony domestic battery, aggravated domestic
13 battery, stalking, aggravated stalking, and a felony
14 violation of an order of protection, 4 years.

15 (e) (Blank).

16 (f) (Blank).

17 (Source: P.A. 99-69, eff. 1-1-16; 99-875, eff. 1-1-17.)

18 (730 ILCS 5/5-8A-3) (from Ch. 38, par. 1005-8A-3)

19 Sec. 5-8A-3. Application.

20 (a) Except as provided in subsection (d), a person charged
21 with or convicted of an excluded offense may not be placed in
22 an electronic monitoring or home detention program, except for
23 bond pending trial or appeal or while on parole, aftercare
24 release, or mandatory supervised release.

25 (b) A person serving a sentence for a conviction of a Class

1 1 felony, other than an excluded offense, may be placed in an
2 electronic monitoring or home detention program for a period
3 not to exceed the last 90 days of incarceration.

4 (c) A person serving a sentence for a conviction of a Class
5 X felony, other than an excluded offense, may be placed in an
6 electronic monitoring or home detention program for a period
7 not to exceed the last 90 days of incarceration, provided that
8 the person was sentenced on or after August 11, 1993 (the
9 effective date of Public Act 88-311) ~~this amendatory Act of~~
10 ~~1993~~ and provided that the court has not prohibited the program
11 for the person in the sentencing order.

12 (d) A person serving a sentence for conviction of an
13 offense other than for predatory criminal sexual assault of a
14 child, aggravated criminal sexual assault, criminal sexual
15 assault, aggravated criminal sexual abuse, or felony criminal
16 sexual abuse, may be placed in an electronic monitoring or home
17 detention program for a period not to exceed the last 12 months
18 of incarceration, provided that (i) the person is 55 years of
19 age or older; (ii) the person is serving a determinate
20 sentence; (iii) the person has served at least 25% of the
21 sentenced prison term; and (iv) placement in an electronic ~~home~~
22 monitoring or home detention program is approved by the
23 Prisoner Review Board or the Department of Juvenile Justice.

24 (e) A person serving a sentence for conviction of a Class
25 2, 3, or 4 felony offense which is not an excluded offense may
26 be placed in an electronic monitoring or home detention program

1 pursuant to Department administrative directives.

2 (f) Applications for electronic monitoring or home
3 detention may include the following:

4 (1) pretrial or pre-adjudicatory detention;

5 (2) probation;

6 (3) conditional discharge;

7 (4) periodic imprisonment;

8 (5) parole, aftercare release, or mandatory supervised
9 release;

10 (6) work release;

11 (7) furlough; or

12 (8) post-trial incarceration.

13 (g) A person convicted of an offense described in clause
14 (4) or (5) of subsection (d) of Section 5-8-1 of this Code
15 shall be placed in an electronic monitoring or home detention
16 program for at least the first 2 years of the person's
17 mandatory supervised release term.

18 (Source: P.A. 98-558, eff. 1-1-14; 98-756, eff. 7-16-14;
19 99-628, eff. 1-1-17; 99-797, eff. 8-12-16; revised 9-1-16.)

20 (730 ILCS 5/5-8A-4.1)

21 Sec. 5-8A-4.1. Escape; failure to comply with a condition
22 of the electronic monitoring or home detention program.

23 (a) A person charged with or convicted of a felony, or
24 charged with or adjudicated delinquent for an act which, if
25 committed by an adult, would constitute a felony, conditionally

1 released from the supervising authority through an electronic
2 monitoring or home detention program, who knowingly violates a
3 condition of the electronic ~~home~~ monitoring or home detention
4 program is guilty of a Class 3 felony.

5 (b) A person charged with or convicted of a misdemeanor, or
6 charged with or adjudicated delinquent for an act which, if
7 committed by an adult, would constitute a misdemeanor,
8 conditionally released from the supervising authority through
9 an electronic monitoring or home detention program, who
10 knowingly violates a condition of the electronic monitoring or
11 home detention program is guilty of a Class B misdemeanor.

12 (c) A person who violates this Section while armed with a
13 dangerous weapon is guilty of a Class 1 felony.

14 (Source: P.A. 99-797, eff. 8-12-16.)

15 (730 ILCS 5/5-8A-5) (from Ch. 38, par. 1005-8A-5)

16 Sec. 5-8A-5. Consent of the participant. Before entering an
17 order for commitment for electronic monitoring, the
18 supervising authority shall inform the participant and other
19 persons residing in the home of the nature and extent of the
20 approved electronic monitoring devices by doing the following:

21 (A) Securing the written consent of the participant in
22 the program to comply with the rules and regulations of the
23 program as stipulated in subsections (A) through (I) of
24 Section 5-8A-4.

25 (B) Where possible, securing the written consent of

1 other persons residing in the home of the participant,
2 including the person in whose name the telephone is
3 registered, at the time of the order for ~~or~~ commitment for
4 electronic monitoring ~~home—detention~~ is entered and
5 acknowledge the nature and extent of approved electronic
6 monitoring devices.

7 (C) Ensure ~~Insure~~ that the approved electronic devices
8 be minimally intrusive upon the privacy of the participant
9 and other persons residing in the home while remaining in
10 compliance with subsections (B) through (D) of Section
11 5-8A-4.

12 ~~(D)~~ This Section does not apply to persons subject to
13 electronic monitoring ~~Electronic Monitoring~~ or home detention
14 as a term or condition of parole, aftercare release, or
15 mandatory supervised release under subsection (d) of Section
16 5-8-1 of this Code.

17 (Source: P.A. 98-558, eff. 1-1-14; 99-797, eff. 8-12-16;
18 revised 10-27-16.)

19 (730 ILCS 5/5-8A-6)

20 Sec. 5-8A-6. Electronic monitoring of certain sex
21 offenders. For a sexual predator subject to electronic ~~home~~
22 monitoring under paragraph (7.7) of subsection (a) of Section
23 3-3-7, the Department of Corrections must use a system that
24 actively monitors and identifies the offender's current
25 location and timely reports or records the offender's presence

1 and that alerts the Department of the offender's presence
2 within a prohibited area described in Section 11-9.3 of the
3 Criminal Code of 2012, in a court order, or as a condition of
4 the offender's parole, mandatory supervised release, or
5 extended mandatory supervised release and the offender's
6 departure from specified geographic limitations. To the extent
7 that he or she is able to do so, which the Department of
8 Corrections by rule shall determine, the offender must pay for
9 the cost of the electronic monitoring.

10 (Source: P.A. 99-797, eff. 8-12-16.)".