

1 AN ACT concerning criminal law.

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

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

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

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

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

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

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

22 (d) To undertake research studies to aid in  
23 accomplishing its purposes;

1           (e) To monitor the operation of existing criminal  
2 justice information systems in order to protect the  
3 constitutional rights and privacy of individuals about  
4 whom criminal history record information has been  
5 collected;

6           (f) To provide an effective administrative forum for  
7 the protection of the rights of individuals concerning  
8 criminal history record information;

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

12           (h) To act as the sole administrative appeal body in  
13 the State of Illinois to conduct hearings and make final  
14 determinations concerning individual challenges to the  
15 completeness and accuracy of criminal history record  
16 information;

17           (i) To act as the sole, official, criminal justice body  
18 in the State of Illinois to conduct annual and periodic  
19 audits of the procedures, policies, and practices of the  
20 State central repositories for criminal history record  
21 information to verify compliance with federal and state  
22 laws and regulations governing such information;

23           (j) To advise the Authority's Statistical Analysis  
24 Center;

25           (k) To apply for, receive, establish priorities for,  
26 allocate, disburse, and spend grants of funds that are made

1 available by and received on or after January 1, 1983 from  
2 private sources or from the United States pursuant to the  
3 federal Crime Control Act of 1973, as amended, and similar  
4 federal legislation, and to enter into agreements with the  
5 United States government to further the purposes of this  
6 Act, or as may be required as a condition of obtaining  
7 federal funds;

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

11 (m) To enter into contracts and to cooperate with units  
12 of general local government or combinations of such units,  
13 State agencies, and criminal justice system agencies of  
14 other states for the purpose of carrying out the duties of  
15 the Authority imposed by this Act or by the federal Crime  
16 Control Act of 1973, as amended;

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

1           (o) To establish general policies concerning criminal  
2 justice information systems and to promulgate such rules,  
3 regulations, and procedures as are necessary to the  
4 operation of the Authority and to the uniform consideration  
5 of appeals and audits;

6           (p) To advise and to make recommendations to the  
7 Governor and the General Assembly on policies relating to  
8 criminal justice information systems;

9           (q) To direct all other agencies under the jurisdiction  
10 of the Governor to provide whatever assistance and  
11 information the Authority may lawfully require to carry out  
12 its functions;

13           (r) To exercise any other powers that are reasonable  
14 and necessary to fulfill the responsibilities of the  
15 Authority under this Act and to comply with the  
16 requirements of applicable federal law or regulation;

17           (s) To exercise the rights, powers, and duties which  
18 have been vested in the Authority by the "Illinois Uniform  
19 Conviction Information Act", ~~enacted by the 85th General~~  
20 ~~Assembly, as hereafter amended;~~

21           (t) (Blank);

22           (u) To exercise the rights, powers, and duties vested  
23 in the Authority by the Illinois Public Safety Agency  
24 Network Act;

25           (v) To provide technical assistance in the form of  
26 training to local governmental entities within Illinois

1            requesting such assistance for the purposes of procuring  
2            grants for gang intervention and gang prevention programs  
3            or other criminal justice programs from the United States  
4            Department of Justice; ~~and~~

5            (w) To conduct strategic planning and provide  
6            technical assistance to implement comprehensive trauma  
7            recovery services for violent crime victims in underserved  
8            communities with high levels of violent crime, with the  
9            goal of providing a safe, community-based, culturally  
10           competent environment in which to access services  
11           necessary to facilitate recovery from the effects of  
12           chronic and repeat exposure to trauma. Services may  
13           include, but are not limited to, behavioral health  
14           treatment, financial recovery, family support and  
15           relocation assistance, and support in navigating the legal  
16           system; ~~and.~~

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

25           The requirement for reporting to the General Assembly shall  
26           be satisfied by filing copies of the report with the Speaker,

1 the Minority Leader, and the Clerk of the House of  
2 Representatives, and the President, the Minority Leader, and  
3 the Secretary of the Senate, and the Legislative Research Unit,  
4 as required by Section 3.1 of the General Assembly Organization  
5 Act ~~"An Act to revise the law in relation to the General~~  
6 ~~Assembly", approved February 25, 1974, as amended,~~ and filing  
7 such additional copies with the State Government Report  
8 Distribution Center for the General Assembly as is required  
9 under paragraph (t) of Section 7 of the State Library Act.

10 (Source: P.A. 99-938, eff. 1-1-18; 100-373, eff. 1-1-18;  
11 revised 10-2-17.)

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

14 (625 ILCS 5/6-303) (from Ch. 95 1/2, par. 6-303)

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

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

18 (a) Except as otherwise provided in subsection (a-5), any  
19 person who drives or is in actual physical control of a motor  
20 vehicle on any highway of this State at a time when such  
21 person's driver's license, permit or privilege to do so or the  
22 privilege to obtain a driver's license or permit is revoked or  
23 suspended as provided by this Code or the law of another state,  
24 except as may be specifically allowed by a judicial driving

1 permit issued prior to January 1, 2009, monitoring device  
2 driving permit, family financial responsibility driving  
3 permit, probationary license to drive, or a restricted driving  
4 permit issued pursuant to this Code or under the law of another  
5 state, shall be guilty of a Class A misdemeanor.

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

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

1 imposition of treatment as appropriate.

2 (a-10) A person's driver's license, permit, or privilege to  
3 obtain a driver's license or permit may be subject to multiple  
4 revocations, multiple suspensions, or any combination of both  
5 simultaneously. No revocation or suspension shall serve to  
6 negate, invalidate, cancel, postpone, or in any way lessen the  
7 effect of any other revocation or suspension entered prior or  
8 subsequent to any other revocation or suspension.

9 (b) (Blank).

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

23 (b-2) Except as provided in subsection (b-6), upon  
24 receiving a report of the conviction of any violation  
25 indicating a person was operating a motor vehicle when the  
26 person's driver's license, permit or privilege was revoked by



1 the Secretary of State or the driver's license administrator of  
2 any other state, except as specifically allowed by a restricted  
3 driving permit issued pursuant to this Code or the law of  
4 another state, the Secretary shall not issue a driver's license  
5 for an additional period of one year from the date of such  
6 conviction indicating such person was operating a vehicle  
7 during such period of revocation.

8 (b-3) (Blank).

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

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

1 (b-6) Upon receiving a report of a first conviction of  
2 operating a motor vehicle while the person's driver's license,  
3 permit or privilege was revoked where the revocation was for a  
4 violation of Section 9-3 of the Criminal Code of 1961 or the  
5 Criminal Code of 2012 relating to the offense of reckless  
6 homicide or a similar out-of-state offense, the Secretary shall  
7 not issue a driver's license for an additional period of three  
8 years from the date of such conviction.

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

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

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

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

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

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

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

10 (1) Seizure of the license plates of the person's  
11 vehicle.

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

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

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

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

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

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

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

24 (1) the current violation occurred when the person's  
25 driver's license was suspended or revoked for a violation  
26 of Section 11-401 or 11-501 of this Code, a similar

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

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

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

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

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

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

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

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

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

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

26 (2) the prior convictions under this Section occurred

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

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

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

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

1 the Criminal Code of 2012, relating to the offense of  
2 reckless homicide, or a similar out-of-state offense.

3 (d-3.5) Any person convicted of a fourth or subsequent  
4 violation of this Section is guilty of a Class 1 felony, is not  
5 eligible for probation or conditional discharge, and must serve  
6 a mandatory term of imprisonment, and is eligible for an  
7 extended term, if:

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

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

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



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

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

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

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

25           (2) the prior convictions under this Section occurred  
26 while the person's driver's license was suspended or

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

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

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

20          (g) The motor vehicle used in a violation of this Section  
21          is subject to seizure and forfeiture as provided in Sections  
22          36-1 and 36-2 of the Criminal Code of 2012 if the person's  
23          driving privilege was revoked or suspended as a result of:

24                 (1) a violation of Section 11-501 of this Code, a  
25                 similar provision of a local ordinance, or a similar  
26                 provision of a law of another state;

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

4           (3) a statutory summary suspension or revocation under  
5 Section 11-501.1 of this Code or a similar provision of a  
6 law of another state; or

7           (4) a violation of Section 9-3 of the Criminal Code of  
8 1961 or the Criminal Code of 2012 relating to the offense  
9 of reckless homicide, or a similar provision of a law of  
10 another state.

11 (Source: P.A. 98-285, eff. 1-1-14; 98-418, eff. 8-16-13;  
12 98-573, eff. 8-27-13; 98-756, eff. 7-16-14; 99-290, eff.  
13 1-1-16.)

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

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

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

1 permit, probationary license to drive, or a restricted driving  
2 permit issued pursuant to this Code or under the law of another  
3 state, shall be guilty of a Class A misdemeanor.

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

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

1 professional evaluation, as provided in Section 11-501 of this  
2 Code, to determine if an alcohol, drug, or intoxicating  
3 compound problem exists and the extent of the problem, and to  
4 undergo the imposition of treatment as appropriate.

5 (a-10) A person's driver's license, permit, or privilege to  
6 obtain a driver's license or permit may be subject to multiple  
7 revocations, multiple suspensions, or any combination of both  
8 simultaneously. No revocation or suspension shall serve to  
9 negate, invalidate, cancel, postpone, or in any way lessen the  
10 effect of any other revocation or suspension entered prior or  
11 subsequent to any other revocation or suspension.

12 (b) (Blank).

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

26 (b-2) Except as provided in subsection (b-6), upon

1 receiving a report of the conviction of any violation  
2 indicating a person was operating a motor vehicle when the  
3 person's driver's license, permit or privilege was revoked by  
4 the Secretary of State or the driver's license administrator of  
5 any other state, except as specifically allowed by a restricted  
6 driving permit issued pursuant to this Code or the law of  
7 another state, the Secretary shall not issue a driver's license  
8 for an additional period of one year from the date of such  
9 conviction indicating such person was operating a vehicle  
10 during such period of revocation.

11 (b-3) (Blank).

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

20 (b-5) Any person convicted of violating this Section shall  
21 serve a minimum term of imprisonment of 30 consecutive days or  
22 300 hours of community service when the person's driving  
23 privilege was revoked or suspended as a result of a violation  
24 of Section 9-3 of the Criminal Code of 1961 or the Criminal  
25 Code of 2012, relating to the offense of reckless homicide, or  
26 a violation of subparagraph (F) of paragraph (1) of subsection

1 (d) of Section 11-501 of this Code, relating to the offense of  
2 aggravated driving under the influence of alcohol, other drug  
3 or drugs, or intoxicating compound or compounds, or any  
4 combination thereof when the violation was a proximate cause of  
5 a death, or a similar provision of a law of another state. The  
6 court may give credit toward the fulfillment of community  
7 service hours for participation in activities and treatment as  
8 determined by court services.

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

23 (c) Except as provided in subsections (c-3) and (c-4), any  
24 person convicted of violating this Section shall serve a  
25 minimum term of imprisonment of 10 consecutive days or 30 days  
26 of community service when the person's driving privilege was

1 revoked or suspended as a result of:

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

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

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

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

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

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

24 (1) Seizure of the license plates of the person's  
25 vehicle.

26 (2) Immobilization of the person's vehicle for a period



1 of time to be determined by the court.

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

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

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

19 (1) the current violation occurred when the person's  
20 driver's license was suspended or revoked for a violation  
21 of Section 9-3 of the Criminal Code of 1961 or the Criminal  
22 Code of 2012, relating to the offense of reckless homicide,  
23 or a violation of subparagraph (F) of paragraph (1) of  
24 subsection (d) of Section 11-501 of this Code, relating to  
25 the offense of aggravated driving under the influence of  
26 alcohol, other drug or drugs, or intoxicating compound or

1 compounds, or any combination thereof when the violation  
2 was a proximate cause of a death, or a similar out-of-state  
3 offense; and

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

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

24 (1) the current violation occurred when the person's  
25 driver's license was suspended or revoked for a violation  
26 of Section 11-401 or 11-501 of this Code, a similar

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

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

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

22 (d-1) Except as provided in subsections (d-2), (d-2.5), and  
23 (d-3), any person convicted of a third or subsequent violation  
24 of this Section shall serve a minimum term of imprisonment of  
25 30 days or 300 hours of community service, as determined by the  
26 court. The court may give credit toward the fulfillment of

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

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

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

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

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

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

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

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

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

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

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

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

6 (d-3.5) Any person convicted of a fourth or subsequent  
7 violation of this Section is guilty of a Class 1 felony, is not  
8 eligible for probation or conditional discharge, and must serve  
9 a mandatory term of imprisonment, and is eligible for an  
10 extended term, if:

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

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

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

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

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

22                (2) the prior convictions under this Section occurred  
23                while the person's driver's license was suspended or  
24                revoked for a violation of Section 11-401 or 11-501 of this  
25                Code, a similar out-of-state offense, a similar provision  
26                of a local ordinance, or a statutory suspension or



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

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

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

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

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

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

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

21 (g) The motor vehicle used in a violation of this Section  
22 is subject to seizure and forfeiture as provided in Sections  
23 36-1 and 36-2 of the Criminal Code of 2012 if the person's  
24 driving privilege was revoked or suspended as a result of:

25 (1) a violation of Section 11-501 of this Code, a  
26 similar provision of a local ordinance, or a similar

1 provision of a law of another state;

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

5 (3) a statutory summary suspension or revocation under  
6 Section 11-501.1 of this Code or a similar provision of a  
7 law of another state; or

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

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

18 Section 15. The Cannabis Control Act is amended by changing  
19 Section 10 as follows:

20 (720 ILCS 550/10) (from Ch. 56 1/2, par. 710)

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

22 Sec. 10. (a) Whenever any person who has not previously  
23 been convicted of, or placed on probation or court supervision  
24 for, any offense under this Act or any law of the United States

1 or of any State relating to cannabis, or controlled substances  
2 as defined in the Illinois Controlled Substances Act, pleads  
3 guilty to or is found guilty of violating Sections 4(a), 4(b),  
4 4(c), 5(a), 5(b), 5(c) or 8 of this Act, the court may, without  
5 entering a judgment and with the consent of such person,  
6 sentence him to probation.

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

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

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

26 (1) make a report to and appear in person before or

1 participate with the court or such courts, person, or  
2 social service agency as directed by the court in the order  
3 of probation;

4 (2) pay a fine and costs;

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

7 (4) undergo medical or psychiatric treatment; or  
8 treatment for drug addiction or alcoholism;

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

11 (6) support his dependents;

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

14 (7-5) refrain from having in his or her body the  
15 presence of any illicit drug prohibited by the Cannabis  
16 Control Act, the Illinois Controlled Substances Act, or the  
17 Methamphetamine Control and Community Protection Act,  
18 unless prescribed by a physician, and submit samples of his  
19 or her blood or urine or both for tests to determine the  
20 presence of any illicit drug;

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

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

23 (ii) attend school;

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

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

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

4           (f) Upon fulfillment of the terms and conditions of  
5 probation, the court shall discharge such person and dismiss  
6 the proceedings against him.

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

15           (h) Discharge and dismissal under this Section, Section 410  
16 of the Illinois Controlled Substances Act, Section 70 of the  
17 Methamphetamine Control and Community Protection Act, Section  
18 5-6-3.3 or 5-6-3.4 of the Unified Code of Corrections, or  
19 subsection (c) of Section 11-14 of the Criminal Code of 1961 or  
20 the Criminal Code of 2012 may occur only once with respect to  
21 any person.

22           (i) If a person is convicted of an offense under this Act,  
23 the Illinois Controlled Substances Act, or the Methamphetamine  
24 Control and Community Protection Act within 5 years subsequent  
25 to a discharge and dismissal under this Section, the discharge  
26 and dismissal under this Section shall be admissible in the

1 sentencing proceeding for that conviction as a factor in  
2 aggravation.

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

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

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

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

1 the consent of such person, sentence him to probation.

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

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

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

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

25 (2) pay a fine and costs;

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



1 training;

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

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

6 (6) support his dependents;

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

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

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

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

18 (ii) attend school;

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

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

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

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

1 the proceedings against him.

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

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

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

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

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

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

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

10 (720 ILCS 570/410) (from Ch. 56 1/2, par. 1410)

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

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

22 (b) When a person is placed on probation, the court shall  
23 enter an order specifying a period of probation of 24 months  
24 and shall defer further proceedings in the case until the

1 conclusion of the period or until the filing of a petition  
2 alleging violation of a term or condition of probation.

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

4 (1) not violate any criminal statute of any jurisdiction; (2)

5 refrain from possessing a firearm or other dangerous weapon;

6 (3) submit to periodic drug testing at a time and in a manner

7 as ordered by the court, but no less than 3 times during the

8 period of the probation, with the cost of the testing to be

9 paid by the probationer; and (4) perform no less than 30 hours

10 of community service, provided community service is available

11 in the jurisdiction and is funded and approved by the county

12 board. The court may give credit toward the fulfillment of

13 community service hours for participation in activities and

14 treatment as determined by court services.

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

16 that the person:

17 (1) make a report to and appear in person before or

18 participate with the court or such courts, person, or

19 social service agency as directed by the court in the order

20 of probation;

21 (2) pay a fine and costs;

22 (3) work or pursue a course of study or vocational

23 training;

24 (4) undergo medical or psychiatric treatment; or

25 treatment or rehabilitation approved by the Illinois

26 Department of Human Services;

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

3           (6) support his or her dependents;

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

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

12           (i) reside with his or her parents or in a foster  
13 home;

14           (ii) attend school;

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

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

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

21          (f) Upon fulfillment of the terms and conditions of  
22 probation, the court shall discharge the person and dismiss the  
23 proceedings against him or her.

24          (g) A disposition of probation is considered to be a  
25 conviction for the purposes of imposing the conditions of  
26 probation and for appeal, however, discharge and dismissal

1 under this Section is not a conviction for purposes of this Act  
2 or for purposes of disqualifications or disabilities imposed by  
3 law upon conviction of a crime.

4 (h) There may be only one discharge and dismissal under  
5 this Section, Section 10 of the Cannabis Control Act, Section  
6 70 of the Methamphetamine Control and Community Protection Act,  
7 Section 5-6-3.3 or 5-6-3.4 of the Unified Code of Corrections,  
8 or subsection (c) of Section 11-14 of the Criminal Code of 1961  
9 or the Criminal Code of 2012 with respect to any person.

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

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

1 probation under this Section, then the drug court shall set  
2 forth its findings in the form of a written order, and the  
3 person shall not be sentenced to probation under this Section,  
4 but may be considered for the drug court program.

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

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

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

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

21 (c) The conditions of probation shall be that the person:  
22 (1) not violate any criminal statute of any jurisdiction; (2)  
23 refrain from possessing a firearm or other dangerous weapon;  
24 (3) submit to periodic drug testing at a time and in a manner  
25 as ordered by the court, but no less than 3 times during the

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

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

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

14 (2) pay a fine and costs;

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

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

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

22 (6) support his or her dependents;

23 (6-5) refrain from having in his or her body the  
24 presence of any illicit drug prohibited by the Cannabis  
25 Control Act, the Illinois Controlled Substances Act, or the  
26 Methamphetamine Control and Community Protection Act,



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

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

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

7 (ii) attend school;

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

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

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

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

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

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

25 (i) If a person is convicted of an offense under this Act,  
26 the Cannabis Control Act, or the Methamphetamine Control and

1 Community Protection Act within 5 years subsequent to a  
2 discharge and dismissal under this Section, the discharge and  
3 dismissal under this Section shall be admissible in the  
4 sentencing proceeding for that conviction as evidence in  
5 aggravation.

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

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

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

23 (720 ILCS 646/70)

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

1           Sec. 70. Probation.

2           (a) Whenever any person who has not previously been  
3 convicted of, or placed on probation or court supervision for  
4 any offense under this Act, the Illinois Controlled Substances  
5 Act, the Cannabis Control Act, or any law of the United States  
6 or of any state relating to cannabis or controlled substances,  
7 pleads guilty to or is found guilty of possession of less than  
8 15 grams of methamphetamine under paragraph (1) or (2) of  
9 subsection (b) of Section 60 of this Act, the court, without  
10 entering a judgment and with the consent of the person, may  
11 sentence him or her to probation.

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

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

18                 (1) not violate any criminal statute of any  
19 jurisdiction;

20                 (2) refrain from possessing a firearm or other  
21 dangerous weapon;

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

26                 (4) perform no less than 30 hours of community service,

1 if community service is available in the jurisdiction and  
2 is funded and approved by the county board. The court may  
3 give credit toward the fulfillment of community service  
4 hours for participation in activities and treatment as  
5 determined by court services.

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

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

12 (2) pay a fine and costs;

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

15 (4) undergo medical or psychiatric treatment; or  
16 treatment or rehabilitation approved by the Illinois  
17 Department of Human Services;

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

20 (6) support his or her dependents;

21 (7) refrain from having in his or her body the presence  
22 of any illicit drug prohibited by this Act, the Cannabis  
23 Control Act, or the Illinois Controlled Substances Act,  
24 unless prescribed by a physician, and submit samples of his  
25 or her blood or urine or both for tests to determine the  
26 presence of any illicit drug; or

1 (8) if a minor:

2 (i) reside with his or her parents or in a foster  
3 home;

4 (ii) attend school;

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

6 or

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

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

12 (f) Upon fulfillment of the terms and conditions of  
13 probation, the court shall discharge the person and dismiss the  
14 proceedings against the person.

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

21 (h) There may be only one discharge and dismissal under  
22 this Section, Section 410 of the Illinois Controlled Substances  
23 Act, Section 10 of the Cannabis Control Act, Section 5-6-3.3 or  
24 5-6-3.4 of the Unified Code of Corrections, or subsection (c)  
25 of Section 11-14 of the Criminal Code of 1961 or the Criminal  
26 Code of 2012 with respect to any person.

1 (i) If a person is convicted of an offense under this Act,  
2 the Cannabis Control Act, or the Illinois Controlled Substances  
3 Act within 5 years subsequent to a discharge and dismissal  
4 under this Section, the discharge and dismissal under this  
5 Section are admissible in the sentencing proceeding for that  
6 conviction as evidence in aggravation.

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

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

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

23 Sec. 70. Probation.

24 (a) Whenever any person who has not previously been  
25 convicted of any felony offense under this Act, the Illinois

1 Controlled Substances Act, the Cannabis Control Act, or any law  
2 of the United States or of any state relating to cannabis or  
3 controlled substances, pleads guilty to or is found guilty of  
4 possession of less than 15 grams of methamphetamine under  
5 paragraph (1) or (2) of subsection (b) of Section 60 of this  
6 Act, the court, without entering a judgment and with the  
7 consent of the person, may sentence him or her to probation.

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

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

14 (1) not violate any criminal statute of any  
15 jurisdiction;

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

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

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

1           determined by court services.

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

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

8           (2) pay a fine and costs;

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

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

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

16           (6) support his or her dependents;

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

23           (8) if a minor:

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

26           (ii) attend school;



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

2 or

3 (iv) contribute to his or her own support at home

4 or in a foster home.

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

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

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

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

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

25 (j) Notwithstanding subsection (a), before a person is  
26 sentenced to probation under this Section, the court may refer

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

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

14 Section 30. The Unified Code of Corrections is amended by  
15 changing Sections 3-3-7, 3-6-3, 5-5-3, 5-6-3, 5-6-3.3,  
16 5-6-3.4, and 5-8A-3 and by adding Section 5-8A-4.2 as follows:

17 (730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)

18 (Text of Section before amendment by P.A. 100-260)

19 Sec. 3-3-7. Conditions of parole or mandatory supervised  
20 release.

21 (a) The conditions of parole or mandatory supervised  
22 release shall be such as the Prisoner Review Board deems  
23 necessary to assist the subject in leading a law-abiding life.  
24 The conditions of every parole and mandatory supervised release

1 are that the subject:

2 (1) not violate any criminal statute of any  
3 jurisdiction during the parole or release term;

4 (2) refrain from possessing a firearm or other  
5 dangerous weapon;

6 (3) report to an agent of the Department of  
7 Corrections;

8 (4) permit the agent to visit him or her at his or her  
9 home, employment, or elsewhere to the extent necessary for  
10 the agent to discharge his or her duties;

11 (5) attend or reside in a facility established for the  
12 instruction or residence of persons on parole or mandatory  
13 supervised release;

14 (6) secure permission before visiting or writing a  
15 committed person in an Illinois Department of Corrections  
16 facility;

17 (7) report all arrests to an agent of the Department of  
18 Corrections as soon as permitted by the arresting authority  
19 but in no event later than 24 hours after release from  
20 custody and immediately report service or notification of  
21 an order of protection, a civil no contact order, or a  
22 stalking no contact order to an agent of the Department of  
23 Corrections;

24 (7.5) if convicted of a sex offense as defined in the  
25 Sex Offender Management Board Act, the individual shall  
26 undergo and successfully complete sex offender treatment

1 conducted in conformance with the standards developed by  
2 the Sex Offender Management Board Act by a treatment  
3 provider approved by the Board;

4 (7.6) if convicted of a sex offense as defined in the  
5 Sex Offender Management Board Act, refrain from residing at  
6 the same address or in the same condominium unit or  
7 apartment unit or in the same condominium complex or  
8 apartment complex with another person he or she knows or  
9 reasonably should know is a convicted sex offender or has  
10 been placed on supervision for a sex offense; the  
11 provisions of this paragraph do not apply to a person  
12 convicted of a sex offense who is placed in a Department of  
13 Corrections licensed transitional housing facility for sex  
14 offenders, or is in any facility operated or licensed by  
15 the Department of Children and Family Services or by the  
16 Department of Human Services, or is in any licensed medical  
17 facility;

18 (7.7) if convicted for an offense that would qualify  
19 the accused as a sexual predator under the Sex Offender  
20 Registration Act on or after January 1, 2007 (the effective  
21 date of Public Act 94-988), wear an approved electronic  
22 monitoring device as defined in Section 5-8A-2 for the  
23 duration of the person's parole, mandatory supervised  
24 release term, or extended mandatory supervised release  
25 term and if convicted for an offense of criminal sexual  
26 assault, aggravated criminal sexual assault, predatory

1 criminal sexual assault of a child, criminal sexual abuse,  
2 aggravated criminal sexual abuse, or ritualized abuse of a  
3 child committed on or after August 11, 2009 (the effective  
4 date of Public Act 96-236) when the victim was under 18  
5 years of age at the time of the commission of the offense  
6 and the defendant used force or the threat of force in the  
7 commission of the offense wear an approved electronic  
8 monitoring device as defined in Section 5-8A-2 that has  
9 Global Positioning System (GPS) capability for the  
10 duration of the person's parole, mandatory supervised  
11 release term, or extended mandatory supervised release  
12 term;

13 (7.8) if convicted for an offense committed on or after  
14 June 1, 2008 (the effective date of Public Act 95-464) that  
15 would qualify the accused as a child sex offender as  
16 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of  
17 1961 or the Criminal Code of 2012, refrain from  
18 communicating with or contacting, by means of the Internet,  
19 a person who is not related to the accused and whom the  
20 accused reasonably believes to be under 18 years of age;  
21 for purposes of this paragraph (7.8), "Internet" has the  
22 meaning ascribed to it in Section 16-0.1 of the Criminal  
23 Code of 2012; and a person is not related to the accused if  
24 the person is not: (i) the spouse, brother, or sister of  
25 the accused; (ii) a descendant of the accused; (iii) a  
26 first or second cousin of the accused; or (iv) a step-child

1 or adopted child of the accused;

2 (7.9) if convicted under Section 11-6, 11-20.1,  
3 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961 or  
4 the Criminal Code of 2012, consent to search of computers,  
5 PDAs, cellular phones, and other devices under his or her  
6 control that are capable of accessing the Internet or  
7 storing electronic files, in order to confirm Internet  
8 protocol addresses reported in accordance with the Sex  
9 Offender Registration Act and compliance with conditions  
10 in this Act;

11 (7.10) if convicted for an offense that would qualify  
12 the accused as a sex offender or sexual predator under the  
13 Sex Offender Registration Act on or after June 1, 2008 (the  
14 effective date of Public Act 95-640), not possess  
15 prescription drugs for erectile dysfunction;

16 (7.11) if convicted for an offense under Section 11-6,  
17 11-9.1, 11-14.4 that involves soliciting for a juvenile  
18 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21  
19 of the Criminal Code of 1961 or the Criminal Code of 2012,  
20 or any attempt to commit any of these offenses, committed  
21 on or after June 1, 2009 (the effective date of Public Act  
22 95-983):

23 (i) not access or use a computer or any other  
24 device with Internet capability without the prior  
25 written approval of the Department;

26 (ii) submit to periodic unannounced examinations

1 of the offender's computer or any other device with  
2 Internet capability by the offender's supervising  
3 agent, a law enforcement officer, or assigned computer  
4 or information technology specialist, including the  
5 retrieval and copying of all data from the computer or  
6 device and any internal or external peripherals and  
7 removal of such information, equipment, or device to  
8 conduct a more thorough inspection;

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

13 (iv) submit to any other appropriate restrictions  
14 concerning the offender's use of or access to a  
15 computer or any other device with Internet capability  
16 imposed by the Board, the Department or the offender's  
17 supervising agent;

18 (7.12) if convicted of a sex offense as defined in the  
19 Sex Offender Registration Act committed on or after January  
20 1, 2010 (the effective date of Public Act 96-262), refrain  
21 from accessing or using a social networking website as  
22 defined in Section 17-0.5 of the Criminal Code of 2012;

23 (7.13) if convicted of a sex offense as defined in  
24 Section 2 of the Sex Offender Registration Act committed on  
25 or after January 1, 2010 (the effective date of Public Act  
26 96-362) that requires the person to register as a sex

1 offender under that Act, may not knowingly use any computer  
2 scrub software on any computer that the sex offender uses;

3 (8) obtain permission of an agent of the Department of  
4 Corrections before leaving the State of Illinois;

5 (9) obtain permission of an agent of the Department of  
6 Corrections before changing his or her residence or  
7 employment;

8 (10) consent to a search of his or her person,  
9 property, or residence under his or her control;

10 (11) refrain from the use or possession of narcotics or  
11 other controlled substances in any form, or both, or any  
12 paraphernalia related to those substances and submit to a  
13 urinalysis test as instructed by a parole agent of the  
14 Department of Corrections;

15 (12) not frequent places where controlled substances  
16 are illegally sold, used, distributed, or administered;

17 (13) not knowingly associate with other persons on  
18 parole or mandatory supervised release without prior  
19 written permission of his or her parole agent, except when  
20 the association involves activities related to community  
21 programs, worship services, volunteering, and engaging  
22 families, and not associate with persons who are members of  
23 an organized gang as that term is defined in the Illinois  
24 Streetgang Terrorism Omnibus Prevention Act;

25 (14) provide true and accurate information, as it  
26 relates to his or her adjustment in the community while on



1 parole or mandatory supervised release or to his or her  
2 conduct while incarcerated, in response to inquiries by his  
3 or her parole agent or of the Department of Corrections;

4 (15) follow any specific instructions provided by the  
5 parole agent that are consistent with furthering  
6 conditions set and approved by the Prisoner Review Board or  
7 by law, exclusive of placement on electronic detention, to  
8 achieve the goals and objectives of his or her parole or  
9 mandatory supervised release or to protect the public.  
10 These instructions by the parole agent may be modified at  
11 any time, as the agent deems appropriate;

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

22 (17) if convicted of a violation of an order of  
23 protection under Section 12-3.4 or Section 12-30 of the  
24 Criminal Code of 1961 or the Criminal Code of 2012, be  
25 placed under electronic surveillance as provided in  
26 Section 5-8A-7 of this Code;

1 (18) comply with the terms and conditions of an order  
2 of protection issued pursuant to the Illinois Domestic  
3 Violence Act of 1986; an order of protection issued by the  
4 court of another state, tribe, or United States territory;  
5 a no contact order issued pursuant to the Civil No Contact  
6 Order Act; or a no contact order issued pursuant to the  
7 Stalking No Contact Order Act; ~~and~~

8 (19) if convicted of a violation of the Methamphetamine  
9 Control and Community Protection Act, the Methamphetamine  
10 Precursor Control Act, or a methamphetamine related  
11 offense, be:

12 (A) prohibited from purchasing, possessing, or  
13 having under his or her control any product containing  
14 pseudoephedrine unless prescribed by a physician; and

15 (B) prohibited from purchasing, possessing, or  
16 having under his or her control any product containing  
17 ammonium nitrate; and

18 (20) be evaluated by the Department of Corrections  
19 prior to release using a validated risk assessment and be  
20 subject to a corresponding level of supervision. In  
21 accordance with the findings of that evaluation:

22 (A) All subjects found to be at a moderate or high  
23 risk to recidivate, or on parole or mandatory  
24 supervised release for first degree murder, a forcible  
25 felony as defined in Section 2-8 of the Criminal Code  
26 of 2012, any felony that requires registration as a sex

1 offender under the Sex Offender Registration Act, or a  
2 Class X felony or Class 1 felony that is not a  
3 violation of the Cannabis Control Act, the Illinois  
4 Controlled Substances Act, or the Methamphetamine  
5 Control and Community Protection Act, shall be subject  
6 to high level supervision. The Department shall define  
7 high level supervision based upon evidence-based and  
8 research-based practices. Notwithstanding this  
9 placement on high level supervision, placement of the  
10 subject on electronic monitoring or detention shall  
11 not occur unless it is required by law or expressly  
12 ordered or approved by the Prisoner Review Board.

13 (B) All subjects found to be at a low risk to  
14 recidivate shall be subject to low-level supervision,  
15 except for those subjects on parole or mandatory  
16 supervised release for first degree murder, a forcible  
17 felony as defined in Section 2-8 of the Criminal Code  
18 of 2012, any felony that requires registration as a sex  
19 offender under the Sex Offender Registration Act, or a  
20 Class X felony or Class 1 felony that is not a  
21 violation of the Cannabis Control Act, the Illinois  
22 Controlled Substances Act, or the Methamphetamine  
23 Control and Community Protection Act. Low level  
24 supervision shall require the subject to check in with  
25 the supervising officer via phone or other electronic  
26 means. Notwithstanding this placement on low level

1           supervision, placement of the subject on electronic  
2           monitoring or detention shall not occur unless it is  
3           required by law or expressly ordered or approved by the  
4           Prisoner Review Board.

5           (b) The Board may in addition to other conditions require  
6 that the subject:

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

9           (2) undergo medical or psychiatric treatment, or  
10 treatment for drug addiction or alcoholism;

11           (3) attend or reside in a facility established for the  
12 instruction or residence of persons on probation or parole;

13           (4) support his or her dependents;

14           (5) (blank);

15           (6) (blank);

16           (7) (blank);

17           (7.5) if convicted for an offense committed on or after  
18 the effective date of this amendatory Act of the 95th  
19 General Assembly that would qualify the accused as a child  
20 sex offender as defined in Section 11-9.3 or 11-9.4 of the  
21 Criminal Code of 1961 or the Criminal Code of 2012, refrain  
22 from communicating with or contacting, by means of the  
23 Internet, a person who is related to the accused and whom  
24 the accused reasonably believes to be under 18 years of  
25 age; for purposes of this paragraph (7.5), "Internet" has  
26 the meaning ascribed to it in Section 16-0.1 of the

1 Criminal Code of 2012; and a person is related to the  
2 accused if the person is: (i) the spouse, brother, or  
3 sister of the accused; (ii) a descendant of the accused;  
4 (iii) a first or second cousin of the accused; or (iv) a  
5 step-child or adopted child of the accused;

6 (7.6) if convicted for an offense committed on or after  
7 June 1, 2009 (the effective date of Public Act 95-983) that  
8 would qualify as a sex offense as defined in the Sex  
9 Offender Registration Act:

10 (i) not access or use a computer or any other  
11 device with Internet capability without the prior  
12 written approval of the Department;

13 (ii) submit to periodic unannounced examinations  
14 of the offender's computer or any other device with  
15 Internet capability by the offender's supervising  
16 agent, a law enforcement officer, or assigned computer  
17 or information technology specialist, including the  
18 retrieval and copying of all data from the computer or  
19 device and any internal or external peripherals and  
20 removal of such information, equipment, or device to  
21 conduct a more thorough inspection;

22 (iii) submit to the installation on the offender's  
23 computer or device with Internet capability, at the  
24 offender's expense, of one or more hardware or software  
25 systems to monitor the Internet use; and

26 (iv) submit to any other appropriate restrictions

1 concerning the offender's use of or access to a  
2 computer or any other device with Internet capability  
3 imposed by the Board, the Department or the offender's  
4 supervising agent; and

5 (8) in addition, if a minor:

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

8 (ii) attend school;

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

10 or

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

13 (b-1) In addition to the conditions set forth in  
14 subsections (a) and (b), persons required to register as sex  
15 offenders pursuant to the Sex Offender Registration Act, upon  
16 release from the custody of the Illinois Department of  
17 Corrections, may be required by the Board to comply with the  
18 following specific conditions of release:

19 (1) reside only at a Department approved location;

20 (2) comply with all requirements of the Sex Offender  
21 Registration Act;

22 (3) notify third parties of the risks that may be  
23 occasioned by his or her criminal record;

24 (4) obtain the approval of an agent of the Department  
25 of Corrections prior to accepting employment or pursuing a  
26 course of study or vocational training and notify the

1 Department prior to any change in employment, study, or  
2 training;

3 (5) not be employed or participate in any volunteer  
4 activity that involves contact with children, except under  
5 circumstances approved in advance and in writing by an  
6 agent of the Department of Corrections;

7 (6) be electronically monitored for a minimum of 12  
8 months from the date of release as determined by the Board;

9 (7) refrain from entering into a designated geographic  
10 area except upon terms approved in advance by an agent of  
11 the Department of Corrections. The terms may include  
12 consideration of the purpose of the entry, the time of day,  
13 and others accompanying the person;

14 (8) refrain from having any contact, including written  
15 or oral communications, directly or indirectly, personally  
16 or by telephone, letter, or through a third party with  
17 certain specified persons including, but not limited to,  
18 the victim or the victim's family without the prior written  
19 approval of an agent of the Department of Corrections;

20 (9) refrain from all contact, directly or indirectly,  
21 personally, by telephone, letter, or through a third party,  
22 with minor children without prior identification and  
23 approval of an agent of the Department of Corrections;

24 (10) neither possess or have under his or her control  
25 any material that is sexually oriented, sexually  
26 stimulating, or that shows male or female sex organs or any

1 pictures depicting children under 18 years of age nude or  
2 any written or audio material describing sexual  
3 intercourse or that depicts or alludes to sexual activity,  
4 including but not limited to visual, auditory, telephonic,  
5 or electronic media, or any matter obtained through access  
6 to any computer or material linked to computer access use;

7 (11) not patronize any business providing sexually  
8 stimulating or sexually oriented entertainment nor utilize  
9 "900" or adult telephone numbers;

10 (12) not reside near, visit, or be in or about parks,  
11 schools, day care centers, swimming pools, beaches,  
12 theaters, or any other places where minor children  
13 congregate without advance approval of an agent of the  
14 Department of Corrections and immediately report any  
15 incidental contact with minor children to the Department;

16 (13) not possess or have under his or her control  
17 certain specified items of contraband related to the  
18 incidence of sexually offending as determined by an agent  
19 of the Department of Corrections;

20 (14) may be required to provide a written daily log of  
21 activities if directed by an agent of the Department of  
22 Corrections;

23 (15) comply with all other special conditions that the  
24 Department may impose that restrict the person from  
25 high-risk situations and limit access to potential  
26 victims;



- 1           (16) take an annual polygraph exam;
- 2           (17) maintain a log of his or her travel; or
- 3           (18) obtain prior approval of his or her parole officer
- 4           before driving alone in a motor vehicle.

5           (c) The conditions under which the parole or mandatory

6           supervised release is to be served shall be communicated to the

7           person in writing prior to his or her release, and he or she

8           shall sign the same before release. A signed copy of these

9           conditions, including a copy of an order of protection where

10          one had been issued by the criminal court, shall be retained by

11          the person and another copy forwarded to the officer in charge

12          of his or her supervision.

13          (d) After a hearing under Section 3-3-9, the Prisoner

14          Review Board may modify or enlarge the conditions of parole or

15          mandatory supervised release.

16          (e) The Department shall inform all offenders committed to

17          the Department of the optional services available to them upon

18          release and shall assist inmates in availing themselves of such

19          optional services upon their release on a voluntary basis.

20          (f) (Blank).

21          (Source: P.A. 99-628, eff. 1-1-17; 99-698, eff. 7-29-16;

22          100-201, eff. 8-18-17.)

23          (Text of Section after amendment by P.A. 100-260)

24          Sec. 3-3-7. Conditions of parole or mandatory supervised

25          release.

1           (a) The conditions of parole or mandatory supervised  
2 release shall be such as the Prisoner Review Board deems  
3 necessary to assist the subject in leading a law-abiding life.  
4 The conditions of every parole and mandatory supervised release  
5 are that the subject:

6           (1) not violate any criminal statute of any  
7 jurisdiction during the parole or release term;

8           (2) refrain from possessing a firearm or other  
9 dangerous weapon;

10          (3) report to an agent of the Department of  
11 Corrections;

12          (4) permit the agent to visit him or her at his or her  
13 home, employment, or elsewhere to the extent necessary for  
14 the agent to discharge his or her duties;

15          (5) attend or reside in a facility established for the  
16 instruction or residence of persons on parole or mandatory  
17 supervised release;

18          (6) secure permission before visiting or writing a  
19 committed person in an Illinois Department of Corrections  
20 facility;

21          (7) report all arrests to an agent of the Department of  
22 Corrections as soon as permitted by the arresting authority  
23 but in no event later than 24 hours after release from  
24 custody and immediately report service or notification of  
25 an order of protection, a civil no contact order, or a  
26 stalking no contact order to an agent of the Department of

1 Corrections;

2 (7.5) if convicted of a sex offense as defined in the  
3 Sex Offender Management Board Act, the individual shall  
4 undergo and successfully complete sex offender treatment  
5 conducted in conformance with the standards developed by  
6 the Sex Offender Management Board Act by a treatment  
7 provider approved by the Board;

8 (7.6) if convicted of a sex offense as defined in the  
9 Sex Offender Management Board Act, refrain from residing at  
10 the same address or in the same condominium unit or  
11 apartment unit or in the same condominium complex or  
12 apartment complex with another person he or she knows or  
13 reasonably should know is a convicted sex offender or has  
14 been placed on supervision for a sex offense; the  
15 provisions of this paragraph do not apply to a person  
16 convicted of a sex offense who is placed in a Department of  
17 Corrections licensed transitional housing facility for sex  
18 offenders, or is in any facility operated or licensed by  
19 the Department of Children and Family Services or by the  
20 Department of Human Services, or is in any licensed medical  
21 facility;

22 (7.7) if convicted for an offense that would qualify  
23 the accused as a sexual predator under the Sex Offender  
24 Registration Act on or after January 1, 2007 (the effective  
25 date of Public Act 94-988), wear an approved electronic  
26 monitoring device as defined in Section 5-8A-2 for the

1 duration of the person's parole, mandatory supervised  
2 release term, or extended mandatory supervised release  
3 term and if convicted for an offense of criminal sexual  
4 assault, aggravated criminal sexual assault, predatory  
5 criminal sexual assault of a child, criminal sexual abuse,  
6 aggravated criminal sexual abuse, or ritualized abuse of a  
7 child committed on or after August 11, 2009 (the effective  
8 date of Public Act 96-236) when the victim was under 18  
9 years of age at the time of the commission of the offense  
10 and the defendant used force or the threat of force in the  
11 commission of the offense wear an approved electronic  
12 monitoring device as defined in Section 5-8A-2 that has  
13 Global Positioning System (GPS) capability for the  
14 duration of the person's parole, mandatory supervised  
15 release term, or extended mandatory supervised release  
16 term;

17 (7.8) if convicted for an offense committed on or after  
18 June 1, 2008 (the effective date of Public Act 95-464) that  
19 would qualify the accused as a child sex offender as  
20 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of  
21 1961 or the Criminal Code of 2012, refrain from  
22 communicating with or contacting, by means of the Internet,  
23 a person who is not related to the accused and whom the  
24 accused reasonably believes to be under 18 years of age;  
25 for purposes of this paragraph (7.8), "Internet" has the  
26 meaning ascribed to it in Section 16-0.1 of the Criminal

1 Code of 2012; and a person is not related to the accused if  
2 the person is not: (i) the spouse, brother, or sister of  
3 the accused; (ii) a descendant of the accused; (iii) a  
4 first or second cousin of the accused; or (iv) a step-child  
5 or adopted child of the accused;

6 (7.9) if convicted under Section 11-6, 11-20.1,  
7 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961 or  
8 the Criminal Code of 2012, consent to search of computers,  
9 PDAs, cellular phones, and other devices under his or her  
10 control that are capable of accessing the Internet or  
11 storing electronic files, in order to confirm Internet  
12 protocol addresses reported in accordance with the Sex  
13 Offender Registration Act and compliance with conditions  
14 in this Act;

15 (7.10) if convicted for an offense that would qualify  
16 the accused as a sex offender or sexual predator under the  
17 Sex Offender Registration Act on or after June 1, 2008 (the  
18 effective date of Public Act 95-640), not possess  
19 prescription drugs for erectile dysfunction;

20 (7.11) if convicted for an offense under Section 11-6,  
21 11-9.1, 11-14.4 that involves soliciting for a juvenile  
22 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21  
23 of the Criminal Code of 1961 or the Criminal Code of 2012,  
24 or any attempt to commit any of these offenses, committed  
25 on or after June 1, 2009 (the effective date of Public Act  
26 95-983):

1           (i) not access or use a computer or any other  
2 device with Internet capability without the prior  
3 written approval of the Department;

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

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

17           (iv) submit to any other appropriate restrictions  
18 concerning the offender's use of or access to a  
19 computer or any other device with Internet capability  
20 imposed by the Board, the Department or the offender's  
21 supervising agent;

22           (7.12) if convicted of a sex offense as defined in the  
23 Sex Offender Registration Act committed on or after January  
24 1, 2010 (the effective date of Public Act 96-262), refrain  
25 from accessing or using a social networking website as  
26 defined in Section 17-0.5 of the Criminal Code of 2012;

1           (7.13) if convicted of a sex offense as defined in  
2           Section 2 of the Sex Offender Registration Act committed on  
3           or after January 1, 2010 (the effective date of Public Act  
4           96-362) that requires the person to register as a sex  
5           offender under that Act, may not knowingly use any computer  
6           scrub software on any computer that the sex offender uses;

7           (8) obtain permission of an agent of the Department of  
8           Corrections before leaving the State of Illinois;

9           (9) obtain permission of an agent of the Department of  
10          Corrections before changing his or her residence or  
11          employment;

12          (10) consent to a search of his or her person,  
13          property, or residence under his or her control;

14          (11) refrain from the use or possession of narcotics or  
15          other controlled substances in any form, or both, or any  
16          paraphernalia related to those substances and submit to a  
17          urinalysis test as instructed by a parole agent of the  
18          Department of Corrections;

19          (12) not frequent places where controlled substances  
20          are illegally sold, used, distributed, or administered;

21          (13) not knowingly associate with other persons on  
22          parole or mandatory supervised release without prior  
23          written permission of his or her parole agent, except when  
24          the association involves activities related to community  
25          programs, worship services, volunteering, and engaging  
26          families, and not associate with persons who are members of

1 an organized gang as that term is defined in the Illinois  
2 Streetgang Terrorism Omnibus Prevention Act;

3 (14) provide true and accurate information, as it  
4 relates to his or her adjustment in the community while on  
5 parole or mandatory supervised release or to his or her  
6 conduct while incarcerated, in response to inquiries by his  
7 or her parole agent or of the Department of Corrections;

8 (15) follow any specific instructions provided by the  
9 parole agent that are consistent with furthering  
10 conditions set and approved by the Prisoner Review Board or  
11 by law, exclusive of placement on electronic detention, to  
12 achieve the goals and objectives of his or her parole or  
13 mandatory supervised release or to protect the public.  
14 These instructions by the parole agent may be modified at  
15 any time, as the agent deems appropriate;

16 (16) if convicted of a sex offense as defined in  
17 subsection (a-5) of Section 3-1-2 of this Code, unless the  
18 offender is a parent or guardian of the person under 18  
19 years of age present in the home and no non-familial minors  
20 are present, not participate in a holiday event involving  
21 children under 18 years of age, such as distributing candy  
22 or other items to children on Halloween, wearing a Santa  
23 Claus costume on or preceding Christmas, being employed as  
24 a department store Santa Claus, or wearing an Easter Bunny  
25 costume on or preceding Easter;

26 (17) if convicted of a violation of an order of



1 protection under Section 12-3.4 or Section 12-30 of the  
2 Criminal Code of 1961 or the Criminal Code of 2012, be  
3 placed under electronic surveillance as provided in  
4 Section 5-8A-7 of this Code;

5 (18) comply with the terms and conditions of an order  
6 of protection issued pursuant to the Illinois Domestic  
7 Violence Act of 1986; an order of protection issued by the  
8 court of another state, tribe, or United States territory;  
9 a no contact order issued pursuant to the Civil No Contact  
10 Order Act; or a no contact order issued pursuant to the  
11 Stalking No Contact Order Act;

12 (19) if convicted of a violation of the Methamphetamine  
13 Control and Community Protection Act, the Methamphetamine  
14 Precursor Control Act, or a methamphetamine related  
15 offense, be:

16 (A) prohibited from purchasing, possessing, or  
17 having under his or her control any product containing  
18 pseudoephedrine unless prescribed by a physician; and

19 (B) prohibited from purchasing, possessing, or  
20 having under his or her control any product containing  
21 ammonium nitrate; ~~and~~

22 (20) if convicted of a hate crime under Section 12-7.1  
23 of the Criminal Code of 2012, perform public or community  
24 service of no less than 200 hours and enroll in an  
25 educational program discouraging hate crimes involving the  
26 protected class identified in subsection (a) of Section

1 12-7.1 of the Criminal Code of 2012 that gave rise to the  
2 offense the offender committed ordered by the court; and

3 (21) be evaluated by the Department of Corrections  
4 prior to release using a validated risk assessment and be  
5 subject to a corresponding level of supervision. In  
6 accordance with the findings of that evaluation:

7 (A) All subjects found to be at a moderate or high  
8 risk to recidivate, or on parole or mandatory  
9 supervised release for first degree murder, a forcible  
10 felony as defined in Section 2-8 of the Criminal Code  
11 of 2012, any felony that requires registration as a sex  
12 offender under the Sex Offender Registration Act, or a  
13 Class X felony or Class 1 felony that is not a  
14 violation of the Cannabis Control Act, the Illinois  
15 Controlled Substances Act, or the Methamphetamine  
16 Control and Community Protection Act, shall be subject  
17 to high level supervision. The Department shall define  
18 high level supervision based upon evidence-based and  
19 research-based practices. Notwithstanding this  
20 placement on high level supervision, placement of the  
21 subject on electronic monitoring or detention shall  
22 not occur unless it is required by law or expressly  
23 ordered or approved by the Prisoner Review Board.

24 (B) All subjects found to be at a low risk to  
25 recidivate shall be subject to low-level supervision,  
26 except for those subjects on parole or mandatory

1 supervised release for first degree murder, a forcible  
2 felony as defined in Section 2-8 of the Criminal Code  
3 of 2012, any felony that requires registration as a sex  
4 offender under the Sex Offender Registration Act, or a  
5 Class X felony or Class 1 felony that is not a  
6 violation of the Cannabis Control Act, the Illinois  
7 Controlled Substances Act, or the Methamphetamine  
8 Control and Community Protection Act. Low level  
9 supervision shall require the subject to check in with  
10 the supervising officer via phone or other electronic  
11 means. Notwithstanding this placement on low level  
12 supervision, placement of the subject on electronic  
13 monitoring or detention shall not occur unless it is  
14 required by law or expressly ordered or approved by the  
15 Prisoner Review Board.

16 (b) The Board may in addition to other conditions require  
17 that the subject:

18 (1) work or pursue a course of study or vocational  
19 training;

20 (2) undergo medical or psychiatric treatment, or  
21 treatment for drug addiction or alcoholism;

22 (3) attend or reside in a facility established for the  
23 instruction or residence of persons on probation or parole;

24 (4) support his or her dependents;

25 (5) (blank);

26 (6) (blank);

1 (7) (blank);

2 (7.5) if convicted for an offense committed on or after  
3 the effective date of this amendatory Act of the 95th  
4 General Assembly that would qualify the accused as a child  
5 sex offender as defined in Section 11-9.3 or 11-9.4 of the  
6 Criminal Code of 1961 or the Criminal Code of 2012, refrain  
7 from communicating with or contacting, by means of the  
8 Internet, a person who is related to the accused and whom  
9 the accused reasonably believes to be under 18 years of  
10 age; for purposes of this paragraph (7.5), "Internet" has  
11 the meaning ascribed to it in Section 16-0.1 of the  
12 Criminal Code of 2012; and a person is related to the  
13 accused if the person is: (i) the spouse, brother, or  
14 sister of the accused; (ii) a descendant of the accused;  
15 (iii) a first or second cousin of the accused; or (iv) a  
16 step-child or adopted child of the accused;

17 (7.6) if convicted for an offense committed on or after  
18 June 1, 2009 (the effective date of Public Act 95-983) that  
19 would qualify as a sex offense as defined in the Sex  
20 Offender Registration Act:

21 (i) not access or use a computer or any other  
22 device with Internet capability without the prior  
23 written approval of the Department;

24 (ii) submit to periodic unannounced examinations  
25 of the offender's computer or any other device with  
26 Internet capability by the offender's supervising

1 agent, a law enforcement officer, or assigned computer  
2 or information technology specialist, including the  
3 retrieval and copying of all data from the computer or  
4 device and any internal or external peripherals and  
5 removal of such information, equipment, or device to  
6 conduct a more thorough inspection;

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

11 (iv) submit to any other appropriate restrictions  
12 concerning the offender's use of or access to a  
13 computer or any other device with Internet capability  
14 imposed by the Board, the Department or the offender's  
15 supervising agent; and

16 (8) in addition, if a minor:

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

19 (ii) attend school;

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

21 or

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

24 (b-1) In addition to the conditions set forth in  
25 subsections (a) and (b), persons required to register as sex  
26 offenders pursuant to the Sex Offender Registration Act, upon

1 release from the custody of the Illinois Department of  
2 Corrections, may be required by the Board to comply with the  
3 following specific conditions of release:

4 (1) reside only at a Department approved location;

5 (2) comply with all requirements of the Sex Offender  
6 Registration Act;

7 (3) notify third parties of the risks that may be  
8 occasioned by his or her criminal record;

9 (4) obtain the approval of an agent of the Department  
10 of Corrections prior to accepting employment or pursuing a  
11 course of study or vocational training and notify the  
12 Department prior to any change in employment, study, or  
13 training;

14 (5) not be employed or participate in any volunteer  
15 activity that involves contact with children, except under  
16 circumstances approved in advance and in writing by an  
17 agent of the Department of Corrections;

18 (6) be electronically monitored for a minimum of 12  
19 months from the date of release as determined by the Board;

20 (7) refrain from entering into a designated geographic  
21 area except upon terms approved in advance by an agent of  
22 the Department of Corrections. The terms may include  
23 consideration of the purpose of the entry, the time of day,  
24 and others accompanying the person;

25 (8) refrain from having any contact, including written  
26 or oral communications, directly or indirectly, personally

1 or by telephone, letter, or through a third party with  
2 certain specified persons including, but not limited to,  
3 the victim or the victim's family without the prior written  
4 approval of an agent of the Department of Corrections;

5 (9) refrain from all contact, directly or indirectly,  
6 personally, by telephone, letter, or through a third party,  
7 with minor children without prior identification and  
8 approval of an agent of the Department of Corrections;

9 (10) neither possess or have under his or her control  
10 any material that is sexually oriented, sexually  
11 stimulating, or that shows male or female sex organs or any  
12 pictures depicting children under 18 years of age nude or  
13 any written or audio material describing sexual  
14 intercourse or that depicts or alludes to sexual activity,  
15 including but not limited to visual, auditory, telephonic,  
16 or electronic media, or any matter obtained through access  
17 to any computer or material linked to computer access use;

18 (11) not patronize any business providing sexually  
19 stimulating or sexually oriented entertainment nor utilize  
20 "900" or adult telephone numbers;

21 (12) not reside near, visit, or be in or about parks,  
22 schools, day care centers, swimming pools, beaches,  
23 theaters, or any other places where minor children  
24 congregate without advance approval of an agent of the  
25 Department of Corrections and immediately report any  
26 incidental contact with minor children to the Department;

1           (13) not possess or have under his or her control  
2           certain specified items of contraband related to the  
3           incidence of sexually offending as determined by an agent  
4           of the Department of Corrections;

5           (14) may be required to provide a written daily log of  
6           activities if directed by an agent of the Department of  
7           Corrections;

8           (15) comply with all other special conditions that the  
9           Department may impose that restrict the person from  
10          high-risk situations and limit access to potential  
11          victims;

12          (16) take an annual polygraph exam;

13          (17) maintain a log of his or her travel; or

14          (18) obtain prior approval of his or her parole officer  
15          before driving alone in a motor vehicle.

16          (c) The conditions under which the parole or mandatory  
17          supervised release is to be served shall be communicated to the  
18          person in writing prior to his or her release, and he or she  
19          shall sign the same before release. A signed copy of these  
20          conditions, including a copy of an order of protection where  
21          one had been issued by the criminal court, shall be retained by  
22          the person and another copy forwarded to the officer in charge  
23          of his or her supervision.

24          (d) After a hearing under Section 3-3-9, the Prisoner  
25          Review Board may modify or enlarge the conditions of parole or  
26          mandatory supervised release.



1 (e) The Department shall inform all offenders committed to  
2 the Department of the optional services available to them upon  
3 release and shall assist inmates in availing themselves of such  
4 optional services upon their release on a voluntary basis.

5 (f) (Blank).

6 (Source: P.A. 99-628, eff. 1-1-17; 99-698, eff. 7-29-16;  
7 100-201, eff. 8-18-17; 100-260, eff. 1-1-18.)

8 (730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)

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

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

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

15 (1.5) As otherwise provided by law, sentence credit may be  
16 awarded for the following:

17 (A) successful completion of programming while in  
18 custody of the Department or while in custody prior to  
19 sentencing;

20 (B) compliance with the rules and regulations of the  
21 Department; or

22 (C) service to the institution, service to a community,  
23 or service to the State.

24 (2) The rules and regulations on sentence credit shall  
25 provide, with respect to offenses listed in clause (i), (ii),

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

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

21 (ii) that a prisoner serving a sentence for attempt to  
22 commit terrorism, attempt to commit first degree murder,  
23 solicitation of murder, solicitation of murder for hire,  
24 intentional homicide of an unborn child, predatory  
25 criminal sexual assault of a child, aggravated criminal  
26 sexual assault, criminal sexual assault, aggravated

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

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

22 (iv) that a prisoner serving a sentence for aggravated  
23 discharge of a firearm, whether or not the conduct leading  
24 to conviction for the offense resulted in great bodily harm  
25 to the victim, shall receive no more than 4.5 days of  
26 sentence credit for each month of his or her sentence of

1 imprisonment;

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

23 (vi) that a prisoner serving a sentence for a second or  
24 subsequent offense of luring a minor shall receive no more  
25 than 4.5 days of sentence credit for each month of his or  
26 her sentence of imprisonment; and

1           (vii) that a prisoner serving a sentence for aggravated  
2           domestic battery shall receive no more than 4.5 days of  
3           sentence credit for each month of his or her sentence of  
4           imprisonment.

5           (2.1) For all offenses, other than those enumerated in  
6           subdivision (a)(2)(i), (ii), or (iii) committed on or after  
7           June 19, 1998 or subdivision (a)(2)(iv) committed on or after  
8           June 23, 2005 (the effective date of Public Act 94-71) or  
9           subdivision (a)(2)(v) committed on or after August 13, 2007  
10          (the effective date of Public Act 95-134) or subdivision  
11          (a)(2)(vi) committed on or after June 1, 2008 (the effective  
12          date of Public Act 95-625) or subdivision (a)(2)(vii) committed  
13          on or after July 23, 2010 (the effective date of Public Act  
14          96-1224), and other than the offense of aggravated driving  
15          under the influence of alcohol, other drug or drugs, or  
16          intoxicating compound or compounds, or any combination thereof  
17          as defined in subparagraph (F) of paragraph (1) of subsection  
18          (d) of Section 11-501 of the Illinois Vehicle Code, and other  
19          than the offense of aggravated driving under the influence of  
20          alcohol, other drug or drugs, or intoxicating compound or  
21          compounds, or any combination thereof as defined in  
22          subparagraph (C) of paragraph (1) of subsection (d) of Section  
23          11-501 of the Illinois Vehicle Code committed on or after  
24          January 1, 2011 (the effective date of Public Act 96-1230), the  
25          rules and regulations shall provide that a prisoner who is  
26          serving a term of imprisonment shall receive one day of

1 sentence credit for each day of his or her sentence of  
2 imprisonment or recommitment under Section 3-3-9. Each day of  
3 sentence credit shall reduce by one day the prisoner's period  
4 of imprisonment or recommitment under Section 3-3-9.

5 (2.2) A prisoner serving a term of natural life  
6 imprisonment or a prisoner who has been sentenced to death  
7 shall receive no sentence credit.

8 (2.3) The rules and regulations on sentence credit shall  
9 provide that a prisoner who is serving a sentence for  
10 aggravated driving under the influence of alcohol, other drug  
11 or drugs, or intoxicating compound or compounds, or any  
12 combination thereof as defined in subparagraph (F) of paragraph  
13 (1) of subsection (d) of Section 11-501 of the Illinois Vehicle  
14 Code, shall receive no more than 4.5 days of sentence credit  
15 for each month of his or her sentence of imprisonment.

16 (2.4) The rules and regulations on sentence credit shall  
17 provide with respect to the offenses of aggravated battery with  
18 a machine gun or a firearm equipped with any device or  
19 attachment designed or used for silencing the report of a  
20 firearm or aggravated discharge of a machine gun or a firearm  
21 equipped with any device or attachment designed or used for  
22 silencing the report of a firearm, committed on or after July  
23 15, 1999 (the effective date of Public Act 91-121), that a  
24 prisoner serving a sentence for any of these offenses shall  
25 receive no more than 4.5 days of sentence credit for each month  
26 of his or her sentence of imprisonment.

1           (2.5) The rules and regulations on sentence credit shall  
2 provide that a prisoner who is serving a sentence for  
3 aggravated arson committed on or after July 27, 2001 (the  
4 effective date of Public Act 92-176) shall receive no more than  
5 4.5 days of sentence credit for each month of his or her  
6 sentence of imprisonment.

7           (2.6) The rules and regulations on sentence credit shall  
8 provide that a prisoner who is serving a sentence for  
9 aggravated driving under the influence of alcohol, other drug  
10 or drugs, or intoxicating compound or compounds or any  
11 combination thereof as defined in subparagraph (C) of paragraph  
12 (1) of subsection (d) of Section 11-501 of the Illinois Vehicle  
13 Code committed on or after January 1, 2011 (the effective date  
14 of Public Act 96-1230) shall receive no more than 4.5 days of  
15 sentence credit for each month of his or her sentence of  
16 imprisonment.

17           (3) The rules and regulations shall also provide that the  
18 Director may award up to 180 days additional sentence credit  
19 for good conduct in specific instances as the Director deems  
20 proper. The good conduct may include, but is not limited to,  
21 compliance with the rules and regulations of the Department,  
22 service to the Department, service to a community, or service  
23 to the State. However, the Director shall not award more than  
24 90 days of sentence credit for good conduct to any prisoner who  
25 is serving a sentence for conviction of first degree murder,  
26 reckless homicide while under the influence of alcohol or any

1 other drug, or aggravated driving under the influence of  
2 alcohol, other drug or drugs, or intoxicating compound or  
3 compounds, or any combination thereof as defined in  
4 subparagraph (F) of paragraph (1) of subsection (d) of Section  
5 11-501 of the Illinois Vehicle Code, aggravated kidnapping,  
6 kidnapping, predatory criminal sexual assault of a child,  
7 aggravated criminal sexual assault, criminal sexual assault,  
8 deviate sexual assault, aggravated criminal sexual abuse,  
9 aggravated indecent liberties with a child, indecent liberties  
10 with a child, child pornography, heinous battery as described  
11 in Section 12-4.1 or subdivision (a)(2) of Section 12-3.05,  
12 aggravated battery of a spouse, aggravated battery of a spouse  
13 with a firearm, stalking, aggravated stalking, aggravated  
14 battery of a child as described in Section 12-4.3 or  
15 subdivision (b)(1) of Section 12-3.05, endangering the life or  
16 health of a child, or cruelty to a child. Notwithstanding the  
17 foregoing, sentence credit for good conduct shall not be  
18 awarded on a sentence of imprisonment imposed for conviction  
19 of: (i) one of the offenses enumerated in subdivision  
20 (a)(2)(i), (ii), or (iii) when the offense is committed on or  
21 after June 19, 1998 or subdivision (a)(2)(iv) when the offense  
22 is committed on or after June 23, 2005 (the effective date of  
23 Public Act 94-71) or subdivision (a)(2)(v) when the offense is  
24 committed on or after August 13, 2007 (the effective date of  
25 Public Act 95-134) or subdivision (a)(2)(vi) when the offense  
26 is committed on or after June 1, 2008 (the effective date of



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

20 Eligible inmates for an award of sentence credit under this  
21 paragraph (3) may be selected to receive the credit at the  
22 Director's or his or her designee's sole discretion.  
23 Consideration may be based on, but not limited to, any  
24 available risk assessment analysis on the inmate, any history  
25 of conviction for violent crimes as defined by the Rights of  
26 Crime Victims and Witnesses Act, facts and circumstances of the

1 inmate's holding offense or offenses, and the potential for  
2 rehabilitation.

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

10 (A) is eligible for the sentence credit;

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

13 (C) has met the eligibility criteria established by  
14 rule.

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

17 (3.5) The Department shall provide annual written reports  
18 to the Governor and the General Assembly on the award of  
19 sentence credit for good conduct, with the first report due  
20 January 1, 2014. The Department must publish both reports on  
21 its website within 48 hours of transmitting the reports to the  
22 Governor and the General Assembly. The reports must include:

23 (A) the number of inmates awarded sentence credit for  
24 good conduct;

25 (B) the average amount of sentence credit for good  
26 conduct awarded;

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

3 (D) the number of sentence credit for good conduct  
4 revocations.

5 (4) The rules and regulations shall also provide that the  
6 sentence credit accumulated and retained under paragraph (2.1)  
7 of subsection (a) of this Section by any inmate during specific  
8 periods of time in which such inmate is engaged full-time in  
9 substance abuse programs, correctional industry assignments,  
10 educational programs, behavior modification programs, life  
11 skills courses, or re-entry planning provided by the Department  
12 under this paragraph (4) and satisfactorily completes the  
13 assigned program as determined by the standards of the  
14 Department, shall be multiplied by a factor of 1.25 for program  
15 participation before August 11, 1993 and 1.50 for program  
16 participation on or after that date. The rules and regulations  
17 shall also provide that sentence credit, subject to the same  
18 offense limits and multiplier provided in this paragraph, may  
19 be provided to an inmate who was held in pre-trial detention  
20 prior to his or her current commitment to the Department of  
21 Corrections and successfully completed a full-time, 60-day or  
22 longer substance abuse program, educational program, behavior  
23 modification program, life skills course, or re-entry planning  
24 provided by the county department of corrections or county  
25 jail. Calculation of this county program credit shall be done  
26 at sentencing as provided in Section 5-4.5-100 of this Code and

1 shall be included in the sentencing order. However, no inmate  
2 shall be eligible for the additional sentence credit under this  
3 paragraph (4) or (4.1) of this subsection (a) while assigned to  
4 a boot camp or electronic detention, or if convicted of an  
5 offense enumerated in subdivision (a)(2)(i), (ii), or (iii) of  
6 this Section that is committed on or after June 19, 1998 or  
7 subdivision (a)(2)(iv) of this Section that is committed on or  
8 after June 23, 2005 (the effective date of Public Act 94-71) or  
9 subdivision (a)(2)(v) of this Section that is committed on or  
10 after August 13, 2007 (the effective date of Public Act 95-134)  
11 or subdivision (a)(2)(vi) when the offense is committed on or  
12 after June 1, 2008 (the effective date of Public Act 95-625) or  
13 subdivision (a)(2)(vii) when the offense is committed on or  
14 after July 23, 2010 (the effective date of Public Act 96-1224),  
15 or if convicted of aggravated driving under the influence of  
16 alcohol, other drug or drugs, or intoxicating compound or  
17 compounds or any combination thereof as defined in subparagraph  
18 (F) of paragraph (1) of subsection (d) of Section 11-501 of the  
19 Illinois Vehicle Code, or if convicted of aggravated driving  
20 under the influence of alcohol, other drug or drugs, or  
21 intoxicating compound or compounds or any combination thereof  
22 as defined in subparagraph (C) of paragraph (1) of subsection  
23 (d) of Section 11-501 of the Illinois Vehicle Code committed on  
24 or after January 1, 2011 (the effective date of Public Act  
25 96-1230), or if convicted of an offense enumerated in paragraph  
26 (a)(2.4) of this Section that is committed on or after July 15,

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

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

25 Availability of these programs shall be subject to the  
26 limits of fiscal resources appropriated by the General Assembly

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

10 (4.1) The rules and regulations shall also provide that an  
11 additional 90 days of sentence credit shall be awarded to any  
12 prisoner who passes high school equivalency testing while the  
13 prisoner is committed to the Department of Corrections. The  
14 sentence credit awarded under this paragraph (4.1) shall be in  
15 addition to, and shall not affect, the award of sentence credit  
16 under any other paragraph of this Section, but shall also be  
17 pursuant to the guidelines and restrictions set forth in  
18 paragraph (4) of subsection (a) of this Section. The sentence  
19 credit provided for in this paragraph shall be available only  
20 to those prisoners who have not previously earned a high school  
21 diploma or a high school equivalency certificate. If, after an  
22 award of the high school equivalency testing sentence credit  
23 has been made, the Department determines that the prisoner was  
24 not eligible, then the award shall be revoked. The Department  
25 may also award 90 days of sentence credit to any committed  
26 person who passed high school equivalency testing while he or

1 she was held in pre-trial detention prior to the current  
2 commitment to the Department of Corrections.

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

1 sentence credit under clause (3) of this subsection (a) at the  
2 discretion of the Director.

3 (4.6) The rules and regulations on sentence credit shall  
4 also provide that a prisoner who has been convicted of a sex  
5 offense as defined in Section 2 of the Sex Offender  
6 Registration Act shall receive no sentence credit unless he or  
7 she either has successfully completed or is participating in  
8 sex offender treatment as defined by the Sex Offender  
9 Management Board. However, prisoners who are waiting to receive  
10 treatment, but who are unable to do so due solely to the lack  
11 of resources on the part of the Department, may, at the  
12 Director's sole discretion, be awarded sentence credit at a  
13 rate as the Director shall determine.

14 (5) Whenever the Department is to release any inmate  
15 earlier than it otherwise would because of a grant of sentence  
16 credit for good conduct under paragraph (3) of subsection (a)  
17 of this Section given at any time during the term, the  
18 Department shall give reasonable notice of the impending  
19 release not less than 14 days prior to the date of the release  
20 to the State's Attorney of the county where the prosecution of  
21 the inmate took place, and if applicable, the State's Attorney  
22 of the county into which the inmate will be released. The  
23 Department must also make identification information and a  
24 recent photo of the inmate being released accessible on the  
25 Internet by means of a hyperlink labeled "Community  
26 Notification of Inmate Early Release" on the Department's World



1 Wide Web homepage. The identification information shall  
2 include the inmate's: name, any known alias, date of birth,  
3 physical characteristics, commitment offense and county where  
4 conviction was imposed. The identification information shall  
5 be placed on the website within 3 days of the inmate's release  
6 and the information may not be removed until either: completion  
7 of the first year of mandatory supervised release or return of  
8 the inmate to custody of the Department.

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

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

22 When the Department seeks to revoke, suspend or reduce the  
23 rate of accumulation of any sentence credits for an alleged  
24 infraction of its rules, it shall bring charges therefor  
25 against the prisoner sought to be so deprived of sentence  
26 credits before the Prisoner Review Board as provided in

1 subparagraph (a)(4) of Section 3-3-2 of this Code, if the  
2 amount of credit at issue exceeds 30 days or when during any 12  
3 month period, the cumulative amount of credit revoked exceeds  
4 30 days except where the infraction is committed or discovered  
5 within 60 days of scheduled release. In those cases, the  
6 Department of Corrections may revoke up to 30 days of sentence  
7 credit. The Board may subsequently approve the revocation of  
8 additional sentence credit, if the Department seeks to revoke  
9 sentence credit in excess of 30 days. However, the Board shall  
10 not be empowered to review the Department's decision with  
11 respect to the loss of 30 days of sentence credit within any  
12 calendar year for any prisoner or to increase any penalty  
13 beyond the length requested by the Department.

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

21 Nothing contained in this Section shall prohibit the  
22 Prisoner Review Board from ordering, pursuant to Section  
23 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the  
24 sentence imposed by the court that was not served due to the  
25 accumulation of sentence credit.

26 (d) If a lawsuit is filed by a prisoner in an Illinois or

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

13 For purposes of this subsection (d):

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

18 (A) it lacks an arguable basis either in law or in  
19 fact;

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

23 (C) the claims, defenses, and other legal  
24 contentions therein are not warranted by existing law  
25 or by a nonfrivolous argument for the extension,  
26 modification, or reversal of existing law or the

1 establishment of new law;

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

7 (E) the denials of factual contentions are not  
8 warranted on the evidence, or if specifically so  
9 identified, are not reasonably based on a lack of  
10 information or belief.

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

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

24 (f) Whenever the Department is to release any inmate who  
25 has been convicted of a violation of an order of protection  
26 under Section 12-3.4 or 12-30 of the Criminal Code of 1961 or

1 the Criminal Code of 2012, earlier than it otherwise would  
2 because of a grant of sentence credit, the Department, as a  
3 condition of release, shall require that the person, upon  
4 release, be placed under electronic surveillance as provided in  
5 Section 5-8A-7 of this Code.

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

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

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

10 (a) (1) The Department of Corrections shall prescribe rules  
11 and regulations for awarding and revoking sentence credit for  
12 persons committed to the Department which shall be subject to  
13 review by the Prisoner Review Board.

14 (1.5) As otherwise provided by law, sentence credit may be  
15 awarded for the following:

16 (A) successful completion of programming while in  
17 custody of the Department or while in custody prior to  
18 sentencing;

19 (B) compliance with the rules and regulations of the  
20 Department; or

21 (C) service to the institution, service to a community,  
22 or service to the State.

23 (2) Except as provided in paragraph (4.7) of this  
24 subsection (a), the rules and regulations on sentence credit  
25 shall provide, with respect to offenses listed in clause (i),

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

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

21 (ii) that a prisoner serving a sentence for attempt to  
22 commit terrorism, attempt to commit first degree murder,  
23 solicitation of murder, solicitation of murder for hire,  
24 intentional homicide of an unborn child, predatory  
25 criminal sexual assault of a child, aggravated criminal  
26 sexual assault, criminal sexual assault, aggravated

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

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

22 (iv) that a prisoner serving a sentence for aggravated  
23 discharge of a firearm, whether or not the conduct leading  
24 to conviction for the offense resulted in great bodily harm  
25 to the victim, shall receive no more than 4.5 days of  
26 sentence credit for each month of his or her sentence of

1 imprisonment;

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

23 (vi) that a prisoner serving a sentence for a second or  
24 subsequent offense of luring a minor shall receive no more  
25 than 4.5 days of sentence credit for each month of his or  
26 her sentence of imprisonment; and



1           (vii) that a prisoner serving a sentence for aggravated  
2           domestic battery shall receive no more than 4.5 days of  
3           sentence credit for each month of his or her sentence of  
4           imprisonment.

5           (2.1) For all offenses, other than those enumerated in  
6           subdivision (a)(2)(i), (ii), or (iii) committed on or after  
7           June 19, 1998 or subdivision (a)(2)(iv) committed on or after  
8           June 23, 2005 (the effective date of Public Act 94-71) or  
9           subdivision (a)(2)(v) committed on or after August 13, 2007  
10          (the effective date of Public Act 95-134) or subdivision  
11          (a)(2)(vi) committed on or after June 1, 2008 (the effective  
12          date of Public Act 95-625) or subdivision (a)(2)(vii) committed  
13          on or after July 23, 2010 (the effective date of Public Act  
14          96-1224), and other than the offense of aggravated driving  
15          under the influence of alcohol, other drug or drugs, or  
16          intoxicating compound or compounds, or any combination thereof  
17          as defined in subparagraph (F) of paragraph (1) of subsection  
18          (d) of Section 11-501 of the Illinois Vehicle Code, and other  
19          than the offense of aggravated driving under the influence of  
20          alcohol, other drug or drugs, or intoxicating compound or  
21          compounds, or any combination thereof as defined in  
22          subparagraph (C) of paragraph (1) of subsection (d) of Section  
23          11-501 of the Illinois Vehicle Code committed on or after  
24          January 1, 2011 (the effective date of Public Act 96-1230), the  
25          rules and regulations shall provide that a prisoner who is  
26          serving a term of imprisonment shall receive one day of

1 sentence credit for each day of his or her sentence of  
2 imprisonment or recommitment under Section 3-3-9. Each day of  
3 sentence credit shall reduce by one day the prisoner's period  
4 of imprisonment or recommitment under Section 3-3-9.

5 (2.2) A prisoner serving a term of natural life  
6 imprisonment or a prisoner who has been sentenced to death  
7 shall receive no sentence credit.

8 (2.3) Except as provided in paragraph (4.7) of this  
9 subsection (a), the rules and regulations on sentence credit  
10 shall provide that a prisoner who is serving a sentence for  
11 aggravated driving under the influence of alcohol, other drug  
12 or drugs, or intoxicating compound or compounds, or any  
13 combination thereof as defined in subparagraph (F) of paragraph  
14 (1) of subsection (d) of Section 11-501 of the Illinois Vehicle  
15 Code, shall receive no more than 4.5 days of sentence credit  
16 for each month of his or her sentence of imprisonment.

17 (2.4) Except as provided in paragraph (4.7) of this  
18 subsection (a), the rules and regulations on sentence credit  
19 shall provide with respect to the offenses of aggravated  
20 battery with a machine gun or a firearm equipped with any  
21 device or attachment designed or used for silencing the report  
22 of a firearm or aggravated discharge of a machine gun or a  
23 firearm equipped with any device or attachment designed or used  
24 for silencing the report of a firearm, committed on or after  
25 July 15, 1999 (the effective date of Public Act 91-121), that a  
26 prisoner serving a sentence for any of these offenses shall

1 receive no more than 4.5 days of sentence credit for each month  
2 of his or her sentence of imprisonment.

3 (2.5) Except as provided in paragraph (4.7) of this  
4 subsection (a), the rules and regulations on sentence credit  
5 shall provide that a prisoner who is serving a sentence for  
6 aggravated arson committed on or after July 27, 2001 (the  
7 effective date of Public Act 92-176) shall receive no more than  
8 4.5 days of sentence credit for each month of his or her  
9 sentence of imprisonment.

10 (2.6) Except as provided in paragraph (4.7) of this  
11 subsection (a), the rules and regulations on sentence credit  
12 shall provide that a prisoner who is serving a sentence for  
13 aggravated driving under the influence of alcohol, other drug  
14 or drugs, or intoxicating compound or compounds or any  
15 combination thereof as defined in subparagraph (C) of paragraph  
16 (1) of subsection (d) of Section 11-501 of the Illinois Vehicle  
17 Code committed on or after January 1, 2011 (the effective date  
18 of Public Act 96-1230) shall receive no more than 4.5 days of  
19 sentence credit for each month of his or her sentence of  
20 imprisonment.

21 (3) In addition to the sentence credits earned under  
22 paragraphs (2.1), (4), (4.1), and ~~Except as provided in~~  
23 ~~paragraph~~ (4.7) of this subsection (a), the rules and  
24 regulations shall also provide that the Director may award up  
25 to 180 days of earned sentence credit for good conduct in  
26 specific instances as the Director deems proper. The good

1 conduct may include, but is not limited to, compliance with the  
2 rules and regulations of the Department, service to the  
3 Department, service to a community, or service to the State.

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

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

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

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

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

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

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

9 (3.5) The Department shall provide annual written reports  
10 to the Governor and the General Assembly on the award of earned  
11 sentence credit no later than February 1 of each year. The  
12 Department must publish both reports on its website within 48  
13 hours of transmitting the reports to the Governor and the  
14 General Assembly. The reports must include:

15 (A) the number of inmates awarded earned sentence  
16 credit;

17 (B) the average amount of earned sentence credit  
18 awarded;

19 (C) the holding offenses of inmates awarded earned  
20 sentence credit; and

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

22 (4) Except as provided in paragraph (4.7) of this  
23 subsection (a), the rules and regulations shall also provide  
24 that the sentence credit accumulated and retained under  
25 paragraph (2.1) of subsection (a) of this Section by any inmate  
26 during specific periods of time in which such inmate is engaged

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

24 Educational, vocational, substance abuse, behavior  
25 modification programs, life skills courses, re-entry planning,  
26 and correctional industry programs under which sentence credit

1 may be increased under this paragraph (4) and paragraph (4.1)  
2 of this subsection (a) shall be evaluated by the Department on  
3 the basis of documented standards. The Department shall report  
4 the results of these evaluations to the Governor and the  
5 General Assembly by September 30th of each year. The reports  
6 shall include data relating to the recidivism rate among  
7 program participants.

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

19 (4.1) Except as provided in paragraph (4.7) of this  
20 subsection (a), the rules and regulations shall also provide  
21 that an additional 90 days of sentence credit shall be awarded  
22 to any prisoner who passes high school equivalency testing  
23 while the prisoner is committed to the Department of  
24 Corrections. The sentence credit awarded under this paragraph  
25 (4.1) shall be in addition to, and shall not affect, the award  
26 of sentence credit under any other paragraph of this Section,

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

14 (4.5) The rules and regulations on sentence credit shall  
15 also provide that when the court's sentencing order recommends  
16 a prisoner for substance abuse treatment and the crime was  
17 committed on or after September 1, 2003 (the effective date of  
18 Public Act 93-354), the prisoner shall receive no sentence  
19 credit awarded under clause (3) of this subsection (a) unless  
20 he or she participates in and completes a substance abuse  
21 treatment program. The Director may waive the requirement to  
22 participate in or complete a substance abuse treatment program  
23 in specific instances if the prisoner is not a good candidate  
24 for a substance abuse treatment program for medical,  
25 programming, or operational reasons. Availability of substance  
26 abuse treatment shall be subject to the limits of fiscal



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

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

24 (4.7) On or after the effective date of this amendatory Act  
25 of the 100th General Assembly, sentence credit under paragraph  
26 (3), (4), or (4.1) of this subsection (a) may be awarded to a

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

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

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

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

16 (5) Whenever the Department is to release any inmate  
17 earlier than it otherwise would because of a grant of earned  
18 sentence credit under paragraph (3) of subsection (a) of this  
19 Section given at any time during the term, the Department shall  
20 give reasonable notice of the impending release not less than  
21 14 days prior to the date of the release to the State's  
22 Attorney of the county where the prosecution of the inmate took  
23 place, and if applicable, the State's Attorney of the county  
24 into which the inmate will be released. The Department must  
25 also make identification information and a recent photo of the  
26 inmate being released accessible on the Internet by means of a

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

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

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

24 When the Department seeks to revoke, suspend or reduce the  
25 rate of accumulation of any sentence credits for an alleged  
26 infraction of its rules, it shall bring charges therefor

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

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

23 Nothing contained in this Section shall prohibit the  
24 Prisoner Review Board from ordering, pursuant to Section  
25 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the  
26 sentence imposed by the court that was not served due to the

1 accumulation of sentence credit.

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

15 For purposes of this subsection (d):

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

20 (A) it lacks an arguable basis either in law or in  
21 fact;

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

25 (C) the claims, defenses, and other legal  
26 contentions therein are not warranted by existing law

1           or by a nonfrivolous argument for the extension,  
2           modification, or reversal of existing law or the  
3           establishment of new law;

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

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

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

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

26          (f) Whenever the Department is to release any inmate who

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

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

10 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

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

12 Sec. 5-5-3. Disposition.

13 (a) (Blank).

14 (b) (Blank).

15 (c) (1) (Blank).

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

22 (A) First degree murder where the death penalty is not  
23 imposed.

24 (B) Attempted first degree murder.

25 (C) A Class X felony.

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

6 (D-5) A violation of subdivision (c)(1) of Section 401  
7 of the Illinois Controlled Substances Act which relates to  
8 3 or more grams of a substance containing heroin or an  
9 analog thereof.

10 (E) A violation of Section 5.1 or 9 of the Cannabis  
11 Control Act.

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

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

26 (G) Residential burglary, except as otherwise provided



1 in Section 40-10 of the Alcoholism and Other Drug Abuse and  
2 Dependency Act.

3 (H) Criminal sexual assault.

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

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

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

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

19 (K) Vehicular hijacking.

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

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

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

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

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

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

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

14           (S) (Blank).

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

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

24           (V) A violation of paragraph (4) of subsection (c) of  
25 Section 11-20.1B or paragraph (4) of subsection (c) of  
26 Section 11-20.3 of the Criminal Code of 1961, or paragraph

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

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

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

17 (Y) A conviction for unlawful possession of a firearm  
18 by a street gang member when the firearm was loaded or  
19 contained firearm ammunition.

20 (Z) A Class 1 felony committed while he or she was  
21 serving a term of probation or conditional discharge for a  
22 felony.

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

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

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

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

10 (EE) A conviction for a violation of paragraph (2) of  
11 subsection (a) of Section 24-3B of the Criminal Code of  
12 2012.

13 (3) (Blank).

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

18 (4.1) (Blank).

19 (4.2) Except as provided in paragraphs (4.3) and (4.8) of  
20 this subsection (c), a minimum of 100 hours of community  
21 service shall be imposed for a second violation of Section  
22 6-303 of the Illinois Vehicle Code.

23 (4.3) A minimum term of imprisonment of 30 days or 300  
24 hours of community service, as determined by the court, shall  
25 be imposed for a second violation of subsection (c) of Section  
26 6-303 of the Illinois Vehicle Code.

1           (4.4) Except as provided in paragraphs (4.5), (4.6), and  
2           (4.9) of this subsection (c), a minimum term of imprisonment of  
3           30 days or 300 hours of community service, as determined by the  
4           court, shall be imposed for a third or subsequent violation of  
5           Section 6-303 of the Illinois Vehicle Code. The court may give  
6           credit toward the fulfillment of community service hours for  
7           participation in activities and treatment as determined by  
8           court services.

9           (4.5) A minimum term of imprisonment of 30 days shall be  
10          imposed for a third violation of subsection (c) of Section  
11          6-303 of the Illinois Vehicle Code.

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

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

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

1           (4.9) A mandatory prison sentence of not less than 4 and  
2 not more than 15 years shall be imposed for a third violation  
3 of subsection (a-5) of Section 6-303 of the Illinois Vehicle  
4 Code, as provided in subsection (d-2.5) of that Section. The  
5 person's driving privileges shall be revoked for the remainder  
6 of his or her life.

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

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

16                   (A) a period of conditional discharge;

17                   (B) a fine;

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

20           (5.1) In addition to any other penalties imposed, and  
21 except as provided in paragraph (5.2) or (5.3), a person  
22 convicted of violating subsection (c) of Section 11-907 of the  
23 Illinois Vehicle Code shall have his or her driver's license,  
24 permit, or privileges suspended for at least 90 days but not  
25 more than one year, if the violation resulted in damage to the  
26 property of another person.

1           (5.2) In addition to any other penalties imposed, and  
2 except as provided in paragraph (5.3), a person convicted of  
3 violating subsection (c) of Section 11-907 of the Illinois  
4 Vehicle Code shall have his or her driver's license, permit, or  
5 privileges suspended for at least 180 days but not more than 2  
6 years, if the violation resulted in injury to another person.

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

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

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

25           (6) (Blank).

26           (7) (Blank).

1 (8) (Blank).

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

5 (10) (Blank).

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

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



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

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

1 sentence, the defendant shall be afforded a new trial.

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

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

10 (A) the defendant is willing to undergo a court  
11 approved counseling program for a minimum duration of 2  
12 years; or

13 (B) the defendant is willing to participate in a  
14 court approved plan including but not limited to the  
15 defendant's:

16 (i) removal from the household;

17 (ii) restricted contact with the victim;

18 (iii) continued financial support of the  
19 family;

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

21 and

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

24 (2) the court orders the defendant to pay for the  
25 victim's counseling services, to the extent that the court  
26 finds, after considering the defendant's income and

1 assets, that the defendant is financially capable of paying  
2 for such services, if the victim was under 18 years of age  
3 at the time the offense was committed and requires  
4 counseling as a result of the offense.

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

12 For the purposes of this Section, "family member" and  
13 "victim" shall have the meanings ascribed to them in Section  
14 11-0.1 of the Criminal Code of 2012.

15 (f) (Blank).

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

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

1 Criminal Code of 1961 or the Criminal Code of 2012 against the  
2 defendant. The court shall order that the cost of any such test  
3 shall be paid by the county and may be taxed as costs against  
4 the convicted defendant.

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

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

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

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

25 (j) In cases when prosecution for any violation of Section  
26 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,

1 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,  
2 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,  
3 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,  
4 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal  
5 Code of 2012, any violation of the Illinois Controlled  
6 Substances Act, any violation of the Cannabis Control Act, or  
7 any violation of the Methamphetamine Control and Community  
8 Protection Act results in conviction, a disposition of court  
9 supervision, or an order of probation granted under Section 10  
10 of the Cannabis Control Act, Section 410 of the Illinois  
11 Controlled Substances Act, or Section 70 of the Methamphetamine  
12 Control and Community Protection Act of a defendant, the court  
13 shall determine whether the defendant is employed by a facility  
14 or center as defined under the Child Care Act of 1969, a public  
15 or private elementary or secondary school, or otherwise works  
16 with children under 18 years of age on a daily basis. When a  
17 defendant is so employed, the court shall order the Clerk of  
18 the Court to send a copy of the judgment of conviction or order  
19 of supervision or probation to the defendant's employer by  
20 certified mail. If the employer of the defendant is a school,  
21 the Clerk of the Court shall direct the mailing of a copy of  
22 the judgment of conviction or order of supervision or probation  
23 to the appropriate regional superintendent of schools. The  
24 regional superintendent of schools shall notify the State Board  
25 of Education of any notification under this subsection.

26 (j-5) A defendant at least 17 years of age who is convicted

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



1 school diploma or has successfully passed high school  
2 equivalency testing. This subsection (j-5) does not apply to a  
3 defendant who is determined by the court to be a person with a  
4 developmental disability or otherwise mentally incapable of  
5 completing the educational or vocational program.

6 (k) (Blank).

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

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

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

21 Otherwise, the defendant shall be sentenced as provided in  
22 this Chapter V.

23 (B) If the defendant has already been sentenced for a  
24 felony or misdemeanor offense, or has been placed on probation  
25 under Section 10 of the Cannabis Control Act, Section 410 of  
26 the Illinois Controlled Substances Act, or Section 70 of the

1 Methamphetamine Control and Community Protection Act, the  
2 court may, upon motion of the State's Attorney to suspend the  
3 sentence imposed, commit the defendant to the custody of the  
4 Attorney General of the United States or his or her designated  
5 agent when:

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

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

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

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

25 (m) A person convicted of criminal defacement of property  
26 under Section 21-1.3 of the Criminal Code of 1961 or the

1 Criminal Code of 2012, in which the property damage exceeds  
2 \$300 and the property damaged is a school building, shall be  
3 ordered to perform community service that may include cleanup,  
4 removal, or painting over the defacement.

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

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

19 (Source: P.A. 98-718, eff. 1-1-15; 98-756, eff. 7-16-14;  
20 99-143, eff. 7-27-15; 99-885, eff. 8-23-16.)

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

22 Sec. 5-5-3. Disposition.

23 (a) (Blank).

24 (b) (Blank).

25 (c) (1) (Blank).

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

7           (A) First degree murder where the death penalty is not  
8 imposed.

9           (B) Attempted first degree murder.

10          (C) A Class X felony.

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

16          (D-5) A violation of subdivision (c)(1) of Section 401  
17 of the Illinois Controlled Substances Act which relates to  
18 3 or more grams of a substance containing heroin or an  
19 analog thereof.

20          (E) (Blank).

21          (F) A Class 1 or greater felony if the offender had  
22 been convicted of a Class 1 or greater felony, including  
23 any state or federal conviction for an offense that  
24 contained, at the time it was committed, the same elements  
25 as an offense now (the date of the offense committed after  
26 the prior Class 1 or greater felony) classified as a Class

1           1 or greater felony, within 10 years of the date on which  
2           the offender committed the offense for which he or she is  
3           being sentenced, except as otherwise provided in Section  
4           40-10 of the Alcoholism and Other Drug Abuse and Dependency  
5           Act.

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

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

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

23          (H) Criminal sexual assault.

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

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

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

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

13           (K) Vehicular hijacking.

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

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

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

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

26           (P) A violation of paragraph (1), (2), (3), (4), (5),

1 or (7) of subsection (a) of Section 11-20.1 of the Criminal  
2 Code of 1961 or the Criminal Code of 2012.

3 (Q) A violation of subsection (b) or (b-5) of Section  
4 20-1, Section 20-1.2, or Section 20-1.3 of the Criminal  
5 Code of 1961 or the Criminal Code of 2012.

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

8 (S) (Blank).

9 (T) (Blank).

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

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

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

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

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

10 (Y) A conviction for unlawful possession of a firearm  
11 by a street gang member when the firearm was loaded or  
12 contained firearm ammunition.

13 (Z) A Class 1 felony committed while he or she was  
14 serving a term of probation or conditional discharge for a  
15 felony.

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

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

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

24 (DD) A conviction for aggravated assault under  
25 paragraph (6) of subsection (c) of Section 12-2 of the  
26 Criminal Code of 1961 or the Criminal Code of 2012 if the



1 firearm is aimed toward the person against whom the firearm  
2 is being used.

3 (EE) A conviction for a violation of paragraph (2) of  
4 subsection (a) of Section 24-3B of the Criminal Code of  
5 2012.

6 (3) (Blank).

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

11 (4.1) (Blank).

12 (4.2) Except as provided in paragraphs (4.3) and (4.8) of  
13 this subsection (c), a minimum of 100 hours of community  
14 service shall be imposed for a second violation of Section  
15 6-303 of the Illinois Vehicle Code.

16 (4.3) A minimum term of imprisonment of 30 days or 300  
17 hours of community service, as determined by the court, shall  
18 be imposed for a second violation of subsection (c) of Section  
19 6-303 of the Illinois Vehicle Code.

20 (4.4) Except as provided in paragraphs (4.5), (4.6), and  
21 (4.9) of this subsection (c), a minimum term of imprisonment of  
22 30 days or 300 hours of community service, as determined by the  
23 court, shall be imposed for a third or subsequent violation of  
24 Section 6-303 of the Illinois Vehicle Code. The court may give  
25 credit toward the fulfillment of community service hours for  
26 participation in activities and treatment as determined by

1 court services.

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 earned sentence credit as provided under Section  
17 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; 99-938, eff.  
14 1-1-18.)

15 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

16 Sec. 5-6-3. Conditions of probation and of conditional  
17 discharge.

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

20 (1) not violate any criminal statute of any  
21 jurisdiction;

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

24 (3) refrain from possessing a firearm or other  
25 dangerous weapon where the offense is a felony or, if a



1           misdemeanor, the offense involved the intentional or  
2           knowing infliction of bodily harm or threat of bodily harm;

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

12          (5) permit the probation officer to visit him at his  
13          home or elsewhere to the extent necessary to discharge his  
14          duties;

15          (6) perform no less than 30 hours of community service  
16          and not more than 120 hours of community service, if  
17          community service is available in the jurisdiction and is  
18          funded and approved by the county board where the offense  
19          was committed, where the offense was related to or in  
20          furtherance of the criminal activities of an organized gang  
21          and was motivated by the offender's membership in or  
22          allegiance to an organized gang. The community service  
23          shall include, but not be limited to, the cleanup and  
24          repair of any damage caused by a violation of Section  
25          21-1.3 of the Criminal Code of 1961 or the Criminal Code of  
26          2012 and similar damage to property located within the

1 municipality or county in which the violation occurred.  
2 When possible and reasonable, the community service should  
3 be performed in the offender's neighborhood. For purposes  
4 of this Section, "organized gang" has the meaning ascribed  
5 to it in Section 10 of the Illinois Streetgang Terrorism  
6 Omnibus Prevention Act. The court may give credit toward  
7 the fulfillment of community service hours for  
8 participation in activities and treatment as determined by  
9 court services;

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

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

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

25 (8.5) if convicted of a felony sex offense as defined  
26 in the Sex Offender Management Board Act, the person shall

1           undergo and successfully complete sex offender treatment  
2           by a treatment provider approved by the Board and conducted  
3           in conformance with the standards developed under the Sex  
4           Offender Management Board Act;

5           (8.6) if convicted of a sex offense as defined in the  
6           Sex Offender Management Board Act, refrain from residing at  
7           the same address or in the same condominium unit or  
8           apartment unit or in the same condominium complex or  
9           apartment complex with another person he or she knows or  
10          reasonably should know is a convicted sex offender or has  
11          been placed on supervision for a sex offense; the  
12          provisions of this paragraph do not apply to a person  
13          convicted of a sex offense who is placed in a Department of  
14          Corrections licensed transitional housing facility for sex  
15          offenders;

16          (8.7) if convicted for an offense committed on or after  
17          June 1, 2008 (the effective date of Public Act 95-464) that  
18          would qualify the accused as a child sex offender as  
19          defined in Section 11-9.3 or 11-9.4 of the Criminal Code of  
20          1961 or the Criminal Code of 2012, refrain from  
21          communicating with or contacting, by means of the Internet,  
22          a person who is not related to the accused and whom the  
23          accused reasonably believes to be under 18 years of age;  
24          for purposes of this paragraph (8.7), "Internet" has the  
25          meaning ascribed to it in Section 16-0.1 of the Criminal  
26          Code of 2012; and a person is not related to the accused if

1 the person is not: (i) the spouse, brother, or sister of  
2 the accused; (ii) a descendant of the accused; (iii) a  
3 first or second cousin of the accused; or (iv) a step-child  
4 or adopted child of the accused;

5 (8.8) if convicted for an offense under Section 11-6,  
6 11-9.1, 11-14.4 that involves soliciting for a juvenile  
7 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21  
8 of the Criminal Code of 1961 or the Criminal Code of 2012,  
9 or any attempt to commit any of these offenses, committed  
10 on or after June 1, 2009 (the effective date of Public Act  
11 95-983):

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

18 (ii) submit to periodic unannounced examinations  
19 of the offender's computer or any other device with  
20 Internet capability by the offender's probation  
21 officer, a law enforcement officer, or assigned  
22 computer or information technology specialist,  
23 including the retrieval and copying of all data from  
24 the computer or device and any internal or external  
25 peripherals and removal of such information,  
26 equipment, or device to conduct a more thorough

1 inspection;

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

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

10 (8.9) if convicted of a sex offense as defined in the  
11 Sex Offender Registration Act committed on or after January  
12 1, 2010 (the effective date of Public Act 96-262), refrain  
13 from accessing or using a social networking website as  
14 defined in Section 17-0.5 of the Criminal Code of 2012;

15 (9) if convicted of a felony or of any misdemeanor  
16 violation of Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or  
17 12-3.5 of the Criminal Code of 1961 or the Criminal Code of  
18 2012 that was determined, pursuant to Section 112A-11.1 of  
19 the Code of Criminal Procedure of 1963, to trigger the  
20 prohibitions of 18 U.S.C. 922(g)(9), physically surrender  
21 at a time and place designated by the court, his or her  
22 Firearm Owner's Identification Card and any and all  
23 firearms in his or her possession. The Court shall return  
24 to the Department of State Police Firearm Owner's  
25 Identification Card Office the person's Firearm Owner's  
26 Identification Card;

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

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

17           (12) if convicted of a violation of the Methamphetamine  
18 Control and Community Protection Act, the Methamphetamine  
19 Precursor Control Act, or a methamphetamine related  
20 offense:

21           (A) prohibited from purchasing, possessing, or  
22 having under his or her control any product containing  
23 pseudoephedrine unless prescribed by a physician; and

24           (B) prohibited from purchasing, possessing, or  
25 having under his or her control any product containing  
26 ammonium nitrate; and

1           (13) if convicted of a hate crime involving the  
2           protected class identified in subsection (a) of Section  
3           12-7.1 of the Criminal Code of 2012 that gave rise to the  
4           offense the offender committed, perform public or  
5           community service of no less than 200 hours and enroll in  
6           an educational program discouraging hate crimes that  
7           includes racial, ethnic, and cultural sensitivity training  
8           ordered by the court.

9           (b) The Court may in addition to other reasonable  
10          conditions relating to the nature of the offense or the  
11          rehabilitation of the defendant as determined for each  
12          defendant in the proper discretion of the Court require that  
13          the person:

14               (1) serve a term of periodic imprisonment under Article  
15               7 for a period not to exceed that specified in paragraph  
16               (d) of Section 5-7-1;

17               (2) pay a fine and costs;

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

20               (4) undergo medical, psychological or psychiatric  
21               treatment; or treatment for drug addiction or alcoholism;

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

24               (6) support his dependents;

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

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



- 1           (ii) attend school;
- 2           (iii) attend a non-residential program for youth;
- 3           (iv) contribute to his own support at home or in a  
4 foster home;
- 5           (v) with the consent of the superintendent of the  
6 facility, attend an educational program at a facility  
7 other than the school in which the offense was  
8 committed if he or she is convicted of a crime of  
9 violence as defined in Section 2 of the Crime Victims  
10 Compensation Act committed in a school, on the real  
11 property comprising a school, or within 1,000 feet of  
12 the real property comprising a school;
- 13          (8) make restitution as provided in Section 5-5-6 of  
14 this Code;
- 15          (9) perform some reasonable public or community  
16 service;
- 17          (10) serve a term of home confinement. In addition to  
18 any other applicable condition of probation or conditional  
19 discharge, the conditions of home confinement shall be that  
20 the offender:
- 21           (i) remain within the interior premises of the  
22 place designated for his confinement during the hours  
23 designated by the court;
- 24           (ii) admit any person or agent designated by the  
25 court into the offender's place of confinement at any  
26 time for purposes of verifying the offender's

1 compliance with the conditions of his confinement; and

2 (iii) if further deemed necessary by the court or  
3 the Probation or Court Services Department, be placed  
4 on an approved electronic monitoring device, subject  
5 to Article 8A of Chapter V;

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

26 The Chief Judge of the circuit court of the county

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

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

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

1 collected from this fee to the county treasurer who  
2 shall use the monies collected to defray the costs of  
3 corrections. The county treasurer shall deposit the  
4 fee collected in the probation and court services fund.  
5 The Chief Judge of the circuit court of the county may  
6 by administrative order establish a program for  
7 electronic monitoring of offenders, in which a vendor  
8 supplies and monitors the operation of the electronic  
9 monitoring device, and collects the fees on behalf of  
10 the county. The program shall include provisions for  
11 indigent offenders and the collection of unpaid fees.  
12 The program shall not unduly burden the offender and  
13 shall be subject to review by the Chief Judge.

14 The Chief Judge of the circuit court may suspend  
15 any additional charges or fees for late payment,  
16 interest, or damage to any device.

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

24 (12) reimburse any "local anti-crime program" as  
25 defined in Section 7 of the Anti-Crime Advisory Council Act  
26 for any reasonable expenses incurred by the program on the

1 offender's case, not to exceed the maximum amount of the  
2 fine authorized for the offense for which the defendant was  
3 sentenced;

4 (13) contribute a reasonable sum of money, not to  
5 exceed the maximum amount of the fine authorized for the  
6 offense for which the defendant was sentenced, (i) to a  
7 "local anti-crime program", as defined in Section 7 of the  
8 Anti-Crime Advisory Council Act, or (ii) for offenses under  
9 the jurisdiction of the Department of Natural Resources, to  
10 the fund established by the Department of Natural Resources  
11 for the purchase of evidence for investigation purposes and  
12 to conduct investigations as outlined in Section 805-105 of  
13 the Department of Natural Resources (Conservation) Law;

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

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

26 (16) refrain from having in his or her body the

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

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

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

26 (i) not access or use a computer or any other

1 device with Internet capability without the prior  
2 written approval of the offender's probation officer,  
3 except in connection with the offender's employment or  
4 search for employment with the prior approval of the  
5 offender's probation officer;

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

16 (iii) submit to the installation on the offender's  
17 computer or device with Internet capability, at the  
18 subject's expense, of one or more hardware or software  
19 systems to monitor the Internet use; and

20 (iv) submit to any other appropriate restrictions  
21 concerning the offender's use of or access to a  
22 computer or any other device with Internet capability  
23 imposed by the offender's probation officer; and

24 (19) refrain from possessing a firearm or other  
25 dangerous weapon where the offense is a misdemeanor that  
26 did not involve the intentional or knowing infliction of

1           bodily harm or threat of bodily harm.

2           (c) The court may as a condition of probation or of  
3 conditional discharge require that a person under 18 years of  
4 age found guilty of any alcohol, cannabis or controlled  
5 substance violation, refrain from acquiring a driver's license  
6 during the period of probation or conditional discharge. If  
7 such person is in possession of a permit or license, the court  
8 may require that the minor refrain from driving or operating  
9 any motor vehicle during the period of probation or conditional  
10 discharge, except as may be necessary in the course of the  
11 minor's lawful employment.

12           (d) An offender sentenced to probation or to conditional  
13 discharge shall be given a certificate setting forth the  
14 conditions thereof.

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

23           Persons committed to imprisonment as a condition of  
24 probation or conditional discharge shall not be committed to  
25 the Department of Corrections.

26           (f) The court may combine a sentence of periodic



1 imprisonment under Article 7 or a sentence to a county impact  
2 incarceration program under Article 8 with a sentence of  
3 probation or conditional discharge.

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

1 6-27001 or Section 6-29002 of the Counties Code, as the case  
2 may be. The Chief Judge of the circuit court of the county may  
3 by administrative order establish a program for electronic  
4 monitoring of offenders, in which a vendor supplies and  
5 monitors the operation of the electronic monitoring device, and  
6 collects the fees on behalf of the county. The program shall  
7 include provisions for indigent offenders and the collection of  
8 unpaid fees. The program shall not unduly burden the offender  
9 and shall be subject to review by the Chief Judge.

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

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

1 department within the circuit to which jurisdiction has been  
2 transferred.

3 (i) The court shall impose upon an offender sentenced to  
4 probation after January 1, 1989 or to conditional discharge  
5 after January 1, 1992 or to community service under the  
6 supervision of a probation or court services department after  
7 January 1, 2004, as a condition of such probation or  
8 conditional discharge or supervised community service, a fee of  
9 \$50 for each month of probation or conditional discharge  
10 supervision or supervised community service ordered by the  
11 court, unless after determining the inability of the person  
12 sentenced to probation or conditional discharge or supervised  
13 community service to pay the fee, the court assesses a lesser  
14 fee. The court may not impose the fee on a minor who is placed  
15 in the guardianship or custody of the Department of Children  
16 and Family Services under the Juvenile Court Act of 1987 while  
17 the minor is in placement. The fee shall be imposed only upon  
18 an offender who is actively supervised by the probation and  
19 court services department. The fee shall be collected by the  
20 clerk of the circuit court. The clerk of the circuit court  
21 shall pay all monies collected from this fee to the county  
22 treasurer for deposit in the probation and court services fund  
23 under Section 15.1 of the Probation and Probation Officers Act.

24 A circuit court may not impose a probation fee under this  
25 subsection (i) in excess of \$25 per month unless the circuit  
26 court has adopted, by administrative order issued by the chief

1 judge, a standard probation fee guide determining an offender's  
2 ability to pay Of the amount collected as a probation fee, up  
3 to \$5 of that fee collected per month may be used to provide  
4 services to crime victims and their families.

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

17 Public Act 93-970 ~~This amendatory Act of the 93rd General~~  
18 ~~Assembly~~ deletes the \$10 increase in the fee under this  
19 subsection that was imposed by Public Act 93-616. This deletion  
20 is intended to control over any other Act of the 93rd General  
21 Assembly that retains or incorporates that fee increase.

22 (i-5) In addition to the fees imposed under subsection (i)  
23 of this Section, in the case of an offender convicted of a  
24 felony sex offense (as defined in the Sex Offender Management  
25 Board Act) or an offense that the court or probation department  
26 has determined to be sexually motivated (as defined in the Sex

1 Offender Management Board Act), the court or the probation  
2 department shall assess additional fees to pay for all costs of  
3 treatment, assessment, evaluation for risk and treatment, and  
4 monitoring the offender, based on that offender's ability to  
5 pay those costs either as they occur or under a payment plan.

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

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

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

26 (Source: P.A. 99-143, eff. 7-27-15; 99-797, eff. 8-12-16;

1 100-159, eff. 8-18-17; 100-260, eff. 1-1-18; revised 10-5-17.)

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

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

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

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

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

22 (a-2) Exemptions. A defendant shall not be eligible for  
23 this Program if the offense he or she has been arrested for and  
24 charged with is a violent offense. For purposes of this  
25 Program, a "violent offense" is any offense where bodily harm

1 was inflicted or where force was used against any person or  
2 threatened against any person, any offense involving sexual  
3 conduct, sexual penetration, or sexual exploitation, any  
4 offense of domestic violence, domestic battery, violation of an  
5 order of protection, stalking, hate crime, driving under the  
6 influence of drugs or alcohol, and any offense involving the  
7 possession of a firearm or dangerous weapon. A defendant shall  
8 not be eligible for this Program if he or she has previously  
9 been adjudicated a delinquent minor for the commission of a  
10 violent offense as defined in this subsection.

11 (b) When a defendant is placed in the Program, after both  
12 the defendant and State's Attorney waive preliminary hearing  
13 pursuant to Section 109-3 of the Code of Criminal Procedure of  
14 1963, the court shall enter an order specifying that the  
15 proceedings shall be suspended while the defendant is  
16 participating in a Program of not less 12 months.

17 (c) The conditions of the Program shall be that the  
18 defendant:

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

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

23 (3) make full restitution to the victim or property  
24 owner pursuant to Section 5-5-6 of this Code;

25 (4) obtain employment or perform not less than 30 hours  
26 of community service, provided community service is

1 available in the county and is funded and approved by the  
2 county board; and

3 (5) attend educational courses designed to prepare the  
4 defendant for obtaining a high school diploma or to work  
5 toward passing high school equivalency testing or to work  
6 toward completing a vocational training program.

7 (c-1) The court may give credit toward the fulfillment of  
8 community service hours for participation in activities and  
9 treatment as determined by court services.

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

12 (1) undergo medical or psychiatric treatment, or  
13 treatment or rehabilitation approved by the Illinois  
14 Department of Human Services;

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

22 (3) submit to periodic drug testing at a time, manner,  
23 and frequency as ordered by the court;

24 (4) pay fines, fees and costs; and

25 (5) in addition, if a minor:

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



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

7           (e) When the State's Attorney makes a factually specific  
8 offer of proof that the defendant has failed to successfully  
9 complete the Program or has violated any of the conditions of  
10 the Program, the court shall enter an order that the defendant  
11 has not successfully completed the Program and continue the  
12 case for arraignment pursuant to Section 113-1 of the Code of  
13 Criminal Procedure of 1963 for further proceedings as if the  
14 defendant had not participated in the Program.

15           (f) Upon fulfillment of the terms and conditions of the  
16 Program, the State's Attorney shall dismiss the case or the  
17 court shall discharge the person and dismiss the proceedings  
18 against the person.

19           (g) There may be only one discharge and dismissal under  
20 this Section with respect to any person.

21           (h) Notwithstanding subsection (a-1), if the court finds  
22 that the defendant suffers from a substance abuse problem, then  
23 before the person participates in the Program under this  
24 Section, the court may refer the person to the drug court  
25 established in that judicial circuit pursuant to Section 15 of  
26 the Drug Court Treatment Act. The drug court team shall

1 evaluate the person's likelihood of successfully fulfilling  
2 the terms and conditions of the Program under this Section and  
3 shall report the results of its evaluation to the court. If the  
4 drug court team finds that the person suffers from a substance  
5 abuse problem that makes him or her substantially unlikely to  
6 successfully fulfill the terms and conditions of the Program,  
7 then the drug court shall set forth its findings in the form of  
8 a written order, and the person shall be ineligible to  
9 participate in the Program under this Section, but may be  
10 considered for the drug court program.

11 (Source: P.A. 98-718, eff. 1-1-15; 99-480, eff. 9-9-15.)

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

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

14 (a) Statement of purpose. The General Assembly seeks to  
15 continue other successful programs that promote public safety,  
16 conserve valuable resources, and reduce recidivism by  
17 defendants who can lead productive lives by creating the  
18 Offender Initiative Program.

19 (a-1) Whenever any person who has not previously been  
20 convicted of any felony offense under the laws of this State,  
21 the laws of any other state, or the laws of the United States,  
22 is arrested for and charged with a probationable felony offense  
23 of theft, retail theft, forgery, possession of a stolen motor  
24 vehicle, burglary, possession of burglary tools, deceptive  
25 practices, disorderly conduct, criminal damage or trespass to

1 property under Article 21 of the Criminal Code of 2012,  
2 criminal trespass to a residence, obstructing justice, or an  
3 offense involving fraudulent identification, or possession of  
4 cannabis, possession of a controlled substance, or possession  
5 of methamphetamine, the court, with the consent of the  
6 defendant and the State's Attorney, may continue this matter to  
7 allow a defendant to participate and complete the Offender  
8 Initiative Program.

9 (a-2) Exemptions. A defendant shall not be eligible for  
10 this Program if the offense he or she has been arrested for and  
11 charged with is a violent offense. For purposes of this  
12 Program, a "violent offense" is any offense where bodily harm  
13 was inflicted or where force was used against any person or  
14 threatened against any person, any offense involving sexual  
15 conduct, sexual penetration, or sexual exploitation, any  
16 offense of domestic violence, domestic battery, violation of an  
17 order of protection, stalking, hate crime, and any offense  
18 involving the possession of a firearm or dangerous weapon. A  
19 defendant shall not be eligible for this Program if he or she  
20 has previously been adjudicated a delinquent minor for the  
21 commission of a violent offense as defined in this subsection.

22 (b) When a defendant is placed in the Program, after both  
23 the defendant and State's Attorney waive preliminary hearing  
24 pursuant to Section 109-3 of the Code of Criminal Procedure of  
25 1963, the court shall enter an order specifying that the  
26 proceedings shall be suspended while the defendant is

1 participating in a Program of not less 12 months.

2 (c) The conditions of the Program shall be that the  
3 defendant:

4 (1) not violate any criminal statute of this State or  
5 any other jurisdiction;

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

8 (3) make full restitution to the victim or property  
9 owner pursuant to Section 5-5-6 of this Code;

10 (4) obtain employment or perform not less than 30 hours  
11 of community service, provided community service is  
12 available in the county and is funded and approved by the  
13 county board; and

14 (5) attend educational courses designed to prepare the  
15 defendant for obtaining a high school diploma or to work  
16 toward passing high school equivalency testing or to work  
17 toward completing a vocational training program.

18 (c-1) The court may give credit toward the fulfillment of  
19 community service hours for participation in activities and  
20 treatment as determined by court services.

21 (d) The court may, in addition to other conditions, require  
22 that the defendant:

23 (1) undergo medical or psychiatric treatment, or  
24 treatment or rehabilitation approved by the Illinois  
25 Department of Human Services;

26 (2) refrain from having in his or her body the presence

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

7 (3) submit to periodic drug testing at a time, manner,  
8 and frequency as ordered by the court;

9 (4) pay fines, fees and costs; and

10 (5) in addition, if a minor:

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

13 (ii) attend school;

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

15 or

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

18 (e) When the State's Attorney makes a factually specific  
19 offer of proof that the defendant has failed to successfully  
20 complete the Program or has violated any of the conditions of  
21 the Program, the court shall enter an order that the defendant  
22 has not successfully completed the Program and continue the  
23 case for arraignment pursuant to Section 113-1 of the Code of  
24 Criminal Procedure of 1963 for further proceedings as if the  
25 defendant had not participated in the Program.

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

1 Program, the State's Attorney shall dismiss the case or the  
2 court shall discharge the person and dismiss the proceedings  
3 against the person.

4 (g) A person may only have one discharge and dismissal  
5 under this Section within a 4-year period.

6 (h) Notwithstanding subsection (a-1), if the court finds  
7 that the defendant suffers from a substance abuse problem, then  
8 before the person participates in the Program under this  
9 Section, the court may refer the person to the drug court  
10 established in that judicial circuit pursuant to Section 15 of  
11 the Drug Court Treatment Act. The drug court team shall  
12 evaluate the person's likelihood of successfully fulfilling  
13 the terms and conditions of the Program under this Section and  
14 shall report the results of its evaluation to the court. If the  
15 drug court team finds that the person suffers from a substance  
16 abuse problem that makes him or her substantially unlikely to  
17 successfully fulfill the terms and conditions of the Program,  
18 then the drug court shall set forth its findings in the form of  
19 a written order, and the person shall be ineligible to  
20 participate in the Program under this Section, but shall be  
21 considered for the drug court program.

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

23 (730 ILCS 5/5-6-3.4)

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

25 Sec. 5-6-3.4. Second Chance Probation.

1           (a) Whenever any person who has not previously been  
2 convicted of, or placed on probation or conditional discharge  
3 for, any felony offense under the laws of this State, the laws  
4 of any other state, or the laws of the United States, including  
5 probation under Section 410 of the Illinois Controlled  
6 Substances Act, Section 70 of the Methamphetamine Control and  
7 Community Protection Act, Section 10 of the Cannabis Control  
8 Act, subsection (c) of Section 11-14 of the Criminal Code of  
9 2012, Treatment Alternatives for Criminal Justice Clients  
10 (TASC) under Article 40 of the Alcoholism and Other Drug Abuse  
11 and Dependency Act, or prior successful completion of the  
12 Offender Initiative Program under Section 5-6-3.3 of this Code,  
13 and pleads guilty to, or is found guilty of, a probationable  
14 felony offense of possession of a controlled substance that is  
15 punishable as a Class 4 felony; possession of methamphetamine  
16 that is punishable as a Class 4 felony; theft that is  
17 punishable as a Class 3 felony based on the value of the  
18 property or punishable as a Class 4 felony if the theft was  
19 committed in a school or place of worship or if the theft was  
20 of governmental property; retail theft that is punishable as a  
21 Class 3 felony based on the value of the property; criminal  
22 damage to property that is punishable as a Class 4 felony;  
23 criminal damage to government supported property that is  
24 punishable as a Class 4 felony; or possession of cannabis which  
25 is punishable as a Class 4 felony, the court, with the consent  
26 of the defendant and the State's Attorney, may, without

1 entering a judgment, sentence the defendant to probation under  
2 this Section.

3 (a-1) Exemptions. A defendant is not eligible for this  
4 probation if the offense he or she pleads guilty to, or is  
5 found guilty of, is a violent offense, or he or she has  
6 previously been convicted of a violent offense. For purposes of  
7 this probation, a "violent offense" is any offense where bodily  
8 harm was inflicted or where force was used against any person  
9 or threatened against any person, any offense involving sexual  
10 conduct, sexual penetration, or sexual exploitation, any  
11 offense of domestic violence, domestic battery, violation of an  
12 order of protection, stalking, hate crime, driving under the  
13 influence of drugs or alcohol, and any offense involving the  
14 possession of a firearm or dangerous weapon. A defendant shall  
15 not be eligible for this probation if he or she has previously  
16 been adjudicated a delinquent minor for the commission of a  
17 violent offense as defined in this subsection.

18 (b) When a defendant is placed on probation, the court  
19 shall enter an order specifying a period of probation of not  
20 less than 24 months and shall defer further proceedings in the  
21 case until the conclusion of the period or until the filing of  
22 a petition alleging violation of a term or condition of  
23 probation.

24 (c) The conditions of probation shall be that the  
25 defendant:

26 (1) not violate any criminal statute of this State or



1 any other jurisdiction;

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

4 (3) make full restitution to the victim or property  
5 owner under Section 5-5-6 of this Code;

6 (4) obtain or attempt to obtain employment;

7 (5) pay fines and costs;

8 (6) attend educational courses designed to prepare the  
9 defendant for obtaining a high school diploma or to work  
10 toward passing high school equivalency testing or to work  
11 toward completing a vocational training program;

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

16 (8) perform a minimum of 30 hours of community service.  
17 The court may give credit toward the fulfillment of  
18 community service hours for participation in activities  
19 and treatment as determined by court services.

20 (d) The court may, in addition to other conditions, require  
21 that the defendant:

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

26 (2) undergo medical or psychiatric treatment, or

1 treatment or rehabilitation approved by the Illinois  
2 Department of Human Services;

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

5 (4) support his or her dependents; or

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

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

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

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

25 (h) There may be only one discharge and dismissal under  
26 this Section, Section 410 of the Illinois Controlled Substances

1 Act, Section 70 of the Methamphetamine Control and Community  
2 Protection Act, Section 10 of the Cannabis Control Act,  
3 Treatment Alternatives for Criminal Justice Clients (TASC)  
4 under Article 40 of the Alcoholism and Other Drug Abuse and  
5 Dependency Act, the Offender Initiative Program under Section  
6 5-6-3.3 of this Code, and subsection (c) of Section 11-14 of  
7 the Criminal Code of 2012 with respect to any person.

8 (i) If a person is convicted of any offense which occurred  
9 within 5 years subsequent to a discharge and dismissal under  
10 this Section, the discharge and dismissal under this Section  
11 shall be admissible in the sentencing proceeding for that  
12 conviction as evidence in aggravation.

13 (j) Notwithstanding subsection (a), if the court finds that  
14 the defendant suffers from a substance abuse problem, then  
15 before the person is placed on probation under this Section,  
16 the court may refer the person to the drug court established in  
17 that judicial circuit pursuant to Section 15 of the Drug Court  
18 Treatment Act. The drug court team shall evaluate the person's  
19 likelihood of successfully fulfilling the terms and conditions  
20 of probation under this Section and shall report the results of  
21 its evaluation to the court. If the drug court team finds that  
22 the person suffers from a substance abuse problem that makes  
23 him or her substantially unlikely to successfully fulfill the  
24 terms and conditions of probation under this Section, then the  
25 drug court shall set forth its findings in the form of a  
26 written order, and the person shall be ineligible to be placed

1 on probation under this Section, but may be considered for the  
2 drug court program.

3 (Source: P.A. 98-164, eff. 1-1-14; 98-718, eff. 1-1-15; 99-480,  
4 eff. 9-9-15.)

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

6 Sec. 5-6-3.4. Second Chance Probation.

7 (a) Whenever any person who has not previously been  
8 convicted of any felony offense under the laws of this State,  
9 the laws of any other state, or the laws of the United States,  
10 and pleads guilty to, or is found guilty of, possession of less  
11 than 15 grams of a controlled substance; possession of less  
12 than 15 grams of methamphetamine; or a probationable felony  
13 offense of possession of cannabis, theft, retail theft,  
14 forgery, deceptive practices, possession of a stolen motor  
15 vehicle, burglary, possession of burglary tools, disorderly  
16 conduct, criminal damage or trespass to property under Article  
17 21 of the Criminal Code of 2012, criminal trespass to a  
18 residence, an offense involving fraudulent identification, or  
19 obstructing justice; or possession of cannabis, the court, with  
20 the consent of the defendant and the State's Attorney, may,  
21 without entering a judgment, sentence the defendant to  
22 probation under this Section.

23 (a-1) Exemptions. A defendant is not eligible for this  
24 probation if the offense he or she pleads guilty to, or is  
25 found guilty of, is a violent offense, or he or she has

1 previously been convicted of a violent offense. For purposes of  
2 this probation, a "violent offense" is any offense where bodily  
3 harm was inflicted or where force was used against any person  
4 or threatened against any person, any offense involving sexual  
5 conduct, sexual penetration, or sexual exploitation, any  
6 offense of domestic violence, domestic battery, violation of an  
7 order of protection, stalking, hate crime, and any offense  
8 involving the possession of a firearm or dangerous weapon. A  
9 defendant shall not be eligible for this probation if he or she  
10 has previously been adjudicated a delinquent minor for the  
11 commission of a violent offense as defined in this subsection.

12 (b) When a defendant is placed on probation, the court  
13 shall enter an order specifying a period of probation of not  
14 less than 24 months and shall defer further proceedings in the  
15 case until the conclusion of the period or until the filing of  
16 a petition alleging violation of a term or condition of  
17 probation.

18 (c) The conditions of probation shall be that the  
19 defendant:

20 (1) not violate any criminal statute of this State or  
21 any other jurisdiction;

22 (2) refrain from possessing a firearm or other  
23 dangerous weapon;

24 (3) make full restitution to the victim or property  
25 owner under Section 5-5-6 of this Code;

26 (4) obtain or attempt to obtain employment;

1 (5) pay fines and costs;

2 (6) attend educational courses designed to prepare the  
3 defendant for obtaining a high school diploma or to work  
4 toward passing high school equivalency testing or to work  
5 toward completing a vocational training program;

6 (7) submit to periodic drug testing at a time and in a  
7 manner as ordered by the court, but no less than 3 times  
8 during the period of probation, with the cost of the  
9 testing to be paid by the defendant; and

10 (8) perform a minimum of 30 hours of community service.  
11 The court may give credit toward the fulfillment of  
12 community service hours for participation in activities  
13 and treatment as determined by court services.

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

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

20 (2) undergo medical or psychiatric treatment, or  
21 treatment or rehabilitation approved by the Illinois  
22 Department of Human Services;

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

25 (4) support his or her dependents; or

26 (5) refrain from having in his or her body the presence

1 of any illicit drug prohibited by the Methamphetamine  
2 Control and Community Protection Act, the Cannabis Control  
3 Act, or the Illinois Controlled Substances Act, unless  
4 prescribed by a physician, and submit samples of his or her  
5 blood or urine or both for tests to determine the presence  
6 of any illicit drug.

7 (e) Upon violation of a term or condition of probation, the  
8 court may enter a judgment on its original finding of guilt and  
9 proceed as otherwise provided by law.

10 (f) Upon fulfillment of the terms and conditions of  
11 probation, the court shall discharge the person and dismiss the  
12 proceedings against the person.

13 (g) A disposition of probation is considered to be a  
14 conviction for the purposes of imposing the conditions of  
15 probation and for appeal; however, a discharge and dismissal  
16 under this Section is not a conviction for purposes of this  
17 Code or for purposes of disqualifications or disabilities  
18 imposed by law upon conviction of a crime.

19 (h) A person may only have one discharge and dismissal  
20 under this Section within a 4-year period.

21 (i) If a person is convicted of any offense which occurred  
22 within 5 years subsequent to a discharge and dismissal under  
23 this Section, the discharge and dismissal under this Section  
24 shall be admissible in the sentencing proceeding for that  
25 conviction as evidence in aggravation.

26 (j) Notwithstanding subsection (a), if the court finds that

1 the defendant suffers from a substance abuse problem, then  
2 before the person is placed on probation under this Section,  
3 the court may refer the person to the drug court established in  
4 that judicial circuit pursuant to Section 15 of the Drug Court  
5 Treatment Act. The drug court team shall evaluate the person's  
6 likelihood of successfully fulfilling the terms and conditions  
7 of probation under this Section and shall report the results of  
8 its evaluation to the court. If the drug court team finds that  
9 the person suffers from a substance abuse problem that makes  
10 him or her substantially unlikely to successfully fulfill the  
11 terms and conditions of probation under this Section, then the  
12 drug court shall set forth its findings in the form of a  
13 written order, and the person shall be ineligible to be placed  
14 on probation under this Section, but shall be considered for  
15 the drug court program.

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

17 (730 ILCS 5/5-8A-3) (from Ch. 38, par. 1005-8A-3)

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

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

24 (b) A person serving a sentence for a conviction of a Class  
25 1 felony, other than an excluded offense, may be placed in an



1 electronic monitoring or home detention program for a period  
2 not to exceed the last 90 days of incarceration.

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

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

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

1 directives shall encourage inmates to apply for electronic  
2 detention to incentivize positive behavior and program  
3 participation prior to and following their return to the  
4 community, consistent with Section 5-8A-4.2 of this Code. These  
5 directives shall not prohibit application solely for prior  
6 mandatory supervised release violation history, outstanding  
7 municipal warrants, current security classification, and prior  
8 criminal history, though these factors may be considered when  
9 reviewing individual applications in conjunction with  
10 additional factors, such as the applicant's institution  
11 behavior, program participation, and reentry plan.

12 (f) Applications for electronic monitoring or home  
13 detention may include the following:

- 14
- 15 (1) pretrial or pre-adjudicatory detention;
  - 16 (2) probation;
  - 17 (3) conditional discharge;
  - 18 (4) periodic imprisonment;
  - 19 (5) parole, aftercare release, or mandatory supervised  
20 release;
  - 21 (6) work release;
  - 22 (7) furlough; or
  - 23 (8) post-trial incarceration.

24 (g) A person convicted of an offense described in clause  
25 (4) or (5) of subsection (d) of Section 5-8-1 of this Code  
26 shall be placed in an electronic monitoring or home detention

1 program for at least the first 2 years of the person's  
2 mandatory supervised release term.

3 (Source: P.A. 99-628, eff. 1-1-17; 99-797, eff. 8-12-16;  
4 100-201, eff. 8-18-17; 100-431, eff. 8-25-17.)

5 (730 ILCS 5/5-8A-4.2 new)

6 Sec. 5-8A-4.2. Successful transition to the community.

7 (a) The Department shall engage in reentry planning to  
8 include individualized case planning for persons preparing to  
9 be released to the community. This planning shall begin at  
10 intake and be supported throughout the term of incarceration,  
11 with a focused emphasis in the year prior to the inmate's  
12 mandatory statutory release date. All inmates within one year  
13 of their mandatory statutory release data shall be deemed to be  
14 in reentry status. The Department shall develop administrative  
15 directives to define reentry status based on the requirements  
16 of this Section.

17 (b) The Department shall develop incentives to increase  
18 program and treatment participation, positive behavior, and  
19 readiness to change.

20 (c) The Department shall coordinate with, and provide  
21 access at the point of release for, community partners and  
22 State and local government agencies to support successful  
23 transitions through assistance in planning and by providing  
24 appropriate programs to inmates in reentry status. The  
25 Department shall work with community partners and appropriate

1 state agencies to support the successful transitions through  
2 assistance in planning and by providing appropriate programs to  
3 persons prior to release. Release planning shall include, but  
4 is not limited to:

5 (1) necessary documentation to include birth  
6 certificate, social security card, and identification  
7 card;

8 (2) vocational or educational short-term and long-term  
9 goals;

10 (3) financial literacy and planning to include  
11 payments of fines, fees, restitution, child support, and  
12 other debt;

13 (4) access to healthcare, mental healthcare, and  
14 chemical dependency treatment;

15 (5) living and transportation arrangements;

16 (6) family reunification, if appropriate, and  
17 pro-social support networks; and

18 (7) information about community-based employment  
19 services and employment service programs available for  
20 persons with prior arrest or criminal convictions.

21 (d) The Illinois Housing Development Authority shall  
22 create a Frequent Users Systems Engagement (FUSE) Re-Entry  
23 rental subsidy supportive housing program for the most  
24 vulnerable persons exiting the Department of Corrections. The  
25 Re-Entry rental subsidy supportive housing program shall be  
26 targeted to persons with disabilities who have a history of

1 incarcerations, hospitalizations, and homelessness. The  
2 Illinois Housing Development Authority, the Department of  
3 Human Services Statewide Housing Coordinator, stakeholders,  
4 and the Department of Corrections shall adopt policies and  
5 procedures for the FUSE Re-Entry rental subsidy supportive  
6 housing program including eligibility criteria, geographic  
7 distribution, and documentation requirements which are similar  
8 to the Rental Housing Support Program. The funding formula for  
9 this program shall be developed by calculating the number of  
10 prison bed days saved through the timely releases that would  
11 not be possible but for the Re-Entry rental subsidy supportive  
12 housing program. Funding shall include administrative costs  
13 for the Illinois Housing Development Authority to operate the  
14 program.

15 (e) The Department shall report to the General Assembly on  
16 or before January 1, 2019, and annually thereafter, on these  
17 activities to support successful transitions to the community.  
18 This report shall include the following information regarding  
19 persons released from the Department:

20 (1) the total number of persons released each year  
21 listed by county;

22 (2) the number of persons assessed as having a high or  
23 moderate criminogenic need who have completed programming  
24 addressing that criminogenic need prior to release listed  
25 by program and county;

26 (3) the number of persons released in the reporting

1 year who have engaged in pre-release planning prior to  
2 their release listed by county;

3 (4) the number of persons who have been released to  
4 electronic detention prior to their mandatory supervised  
5 release date;

6 (5) the number of persons who have been released after  
7 their mandatory supervised release date, average time past  
8 mandatory supervised release date, and reasons held past  
9 mandatory supervised release date; and

10 (6) when implemented, the number of Frequent Users  
11 Systems Engagement (FUSE) Re-Entry rental subsidy  
12 supportive housing program participants and average prison  
13 bed days saved.

14 Section 35. The Crime Victims Compensation Act is amended  
15 by changing Section 6.1 as follows:

16 (740 ILCS 45/6.1) (from Ch. 70, par. 76.1)

17 Sec. 6.1. Right to compensation. A person is entitled to  
18 compensation under this Act if:

19 (a) Within 2 years of the occurrence of the crime, or  
20 within one year after a criminal charge of a person for an  
21 offense, upon which the claim is based, he files an  
22 application, under oath, with the Court of Claims and on a  
23 form prescribed in accordance with Section 7.1 furnished by  
24 the Attorney General. If the person entitled to

1 compensation is under 18 years of age or under other legal  
2 disability at the time of the occurrence or is determined  
3 by a court to be under a legal disability as a result of  
4 the occurrence, he may file the application required by  
5 this subsection within 2 years after he attains the age of  
6 18 years or the disability is removed, as the case may be.  
7 Legal disability includes a diagnosis of posttraumatic  
8 stress disorder.

9 (b) For all crimes of violence, except those listed in  
10 subsection (b-1) of this Section, the appropriate law  
11 enforcement officials were notified within 72 hours of the  
12 perpetration of the crime allegedly causing the death or  
13 injury to the victim or, in the event such notification was  
14 made more than 72 hours after the perpetration of the  
15 crime, the applicant establishes that such notice was  
16 timely under the circumstances.

17 (b-1) For victims of offenses defined in Sections  
18 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,  
19 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961 or  
20 the Criminal Code of 2012, the appropriate law enforcement  
21 officials were notified within 7 days of the perpetration  
22 of the crime allegedly causing death or injury to the  
23 victim or, in the event that the notification was made more  
24 than 7 days after the perpetration of the crime, the  
25 applicant establishes that the notice was timely under the  
26 circumstances. If the applicant or victim has obtained an

1 order of protection, a civil no contact order, or a  
2 stalking no contact order, or has presented himself or  
3 herself to a hospital for sexual assault evidence  
4 collection and medical care, such action shall constitute  
5 appropriate notification under this subsection (b-1) or  
6 subsection (b) of this Section.

7 (c) The applicant has cooperated with law enforcement  
8 officials in the apprehension and prosecution of the  
9 assailant. If the applicant or victim has obtained an order  
10 of protection, a civil no contact order, or a stalking no  
11 contact order or has presented himself or herself to a  
12 hospital for sexual assault evidence collection and  
13 medical care, such action shall constitute cooperation  
14 under this subsection (c). If the victim is under 18 years  
15 of age at the time of the commission of the offense, the  
16 following shall constitute cooperation under this  
17 subsection (c):

18 (1) the applicant or the victim files a police report  
19 with a law enforcement agency;

20 (2) a mandated reporter reports the crime to law  
21 enforcement; or

22 (3) a person with firsthand knowledge of the crime  
23 reports the crime to law enforcement.

24 (d) The applicant is not the offender or an accomplice  
25 of the offender and the award would not unjustly benefit  
26 the offender or his accomplice.



1           (e) The injury to or death of the victim was not  
2           substantially attributable to his own wrongful act and was  
3           not substantially provoked by the victim.

4           (f) For victims of offenses defined in Section 10-9 of  
5           the Criminal Code of 2012, the victim submits a statement  
6           under oath on a form prescribed by the Attorney General  
7           attesting that the removed tattoo was applied in connection  
8           with the commission of the offense.

9           (Source: P.A. 98-435, eff. 1-1-14; 99-143, eff. 7-27-15.)

10           Section 95. No acceleration or delay. Where this Act makes  
11           changes in a statute that is represented in this Act by text  
12           that is not yet or no longer in effect (for example, a Section  
13           represented by multiple versions), the use of that text does  
14           not accelerate or delay the taking effect of (i) the changes  
15           made by this Act or (ii) provisions derived from any other  
16           Public Act.

17           Section 99. Effective date. This Act takes effect upon  
18           becoming law.