



Sen. Antonio Muñoz

Filed: 3/3/2017

10000SB1722sam001

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1 AMENDMENT TO SENATE BILL 1722

2 AMENDMENT NO. _____. Amend Senate Bill 1722 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. This Act may be referred to as the Safe
5 Neighborhoods Reform Act.

6 Section 5. The Criminal Identification Act is amended by
7 changing Section 2.1 as follows:

8 (20 ILCS 2630/2.1) (from Ch. 38, par. 206-2.1)

9 Sec. 2.1. For the purpose of maintaining complete and
10 accurate criminal records of the Department of State Police, it
11 is necessary for all policing bodies of this State, the clerk
12 of the circuit court, the Illinois Department of Corrections,
13 the sheriff of each county, and State's Attorney of each county
14 to submit certain criminal arrest, charge, and disposition
15 information to the Department for filing at the earliest time

1 possible. Unless otherwise noted herein, it shall be the duty
2 of all policing bodies of this State, the clerk of the circuit
3 court, the Illinois Department of Corrections, the sheriff of
4 each county, and the State's Attorney of each county to report
5 such information as provided in this Section, both in the form
6 and manner required by the Department and within 30 days of the
7 criminal history event. Specifically:

8 (a) Arrest Information. All agencies making arrests for
9 offenses which are required by statute to be collected,
10 maintained or disseminated by the Department of State Police
11 shall be responsible for furnishing daily to the Department
12 fingerprints, charges and descriptions of all persons who are
13 arrested for such offenses. All such agencies shall also notify
14 the Department of all decisions by the arresting agency not to
15 refer such arrests for prosecution. With approval of the
16 Department, an agency making such arrests may enter into
17 arrangements with other agencies for the purpose of furnishing
18 daily such fingerprints, charges and descriptions to the
19 Department upon its behalf.

20 (b) Charge Information. The State's Attorney of each county
21 shall notify the Department of all charges filed and all
22 petitions filed alleging that a minor is delinquent, including
23 all those added subsequent to the filing of a case, and whether
24 charges were not filed in cases for which the Department has
25 received information required to be reported pursuant to
26 paragraph (a) of this Section. With approval of the Department,

1 the State's Attorney may enter into arrangements with other
2 agencies for the purpose of furnishing the information required
3 by this subsection (b) to the Department upon the State's
4 Attorney's behalf.

5 (c) Disposition Information. The clerk of the circuit court
6 of each county shall furnish the Department, in the form and
7 manner required by the Supreme Court, with all final
8 dispositions of cases for which the Department has received
9 information required to be reported pursuant to paragraph (a)
10 or (d) of this Section. Such information shall include, for
11 each charge, all (1) judgments of not guilty, judgments of
12 guilty including the sentence pronounced by the court with
13 statutory citations to the relevant sentencing provision,
14 findings that a minor is delinquent and any sentence made based
15 on those findings, discharges and dismissals in the court; (2)
16 reviewing court orders filed with the clerk of the circuit
17 court which reverse or remand a reported conviction or findings
18 that a minor is delinquent or that vacate or modify a sentence
19 or sentence made following a trial that a minor is delinquent;
20 (3) continuances to a date certain in furtherance of an order
21 of supervision granted under Section 5-6-1 of the Unified Code
22 of Corrections or an order of probation granted under Section
23 10 of the Cannabis Control Act, Section 410 of the Illinois
24 Controlled Substances Act, Section 70 of the Methamphetamine
25 Control and Community Protection Act, Section 12-4.3 or
26 subdivision (b) (1) of Section 12-3.05 of the Criminal Code of

1 1961 or the Criminal Code of 2012, Section 10-102 of the
2 Illinois Alcoholism and Other Drug Dependency Act, Section
3 40-10 of the Alcoholism and Other Drug Abuse and Dependency
4 Act, Section 10 of the Steroid Control Act, or Section 5-615 of
5 the Juvenile Court Act of 1987; and (4) judgments or court
6 orders terminating or revoking a sentence to or juvenile
7 disposition of probation, supervision or conditional discharge
8 and any resentencing or new court orders entered by a juvenile
9 court relating to the disposition of a minor's case involving
10 delinquency after such revocation.

11 (d) Fingerprints After Sentencing.

12 (1) After the court pronounces sentence, sentences a
13 minor following a trial in which a minor was found to be
14 delinquent or issues an order of supervision or an order of
15 probation granted under Section 10 of the Cannabis Control
16 Act, Section 410 of the Illinois Controlled Substances Act,
17 Section 70 of the Methamphetamine Control and Community
18 Protection Act, Section 12-4.3 or subdivision (b)(1) of
19 Section 12-3.05 of the Criminal Code of 1961 or the
20 Criminal Code of 2012, Section 10-102 of the Illinois
21 Alcoholism and Other Drug Dependency Act, Section 40-10 of
22 the Alcoholism and Other Drug Abuse and Dependency Act,
23 Section 10 of the Steroid Control Act, or Section 5-615 of
24 the Juvenile Court Act of 1987 for any offense which is
25 required by statute to be collected, maintained, or
26 disseminated by the Department of State Police, the State's

1 Attorney of each county shall ask the court to order a law
2 enforcement agency to fingerprint immediately all persons
3 appearing before the court who have not previously been
4 fingerprinted for the same case. The court shall so order
5 the requested fingerprinting, if it determines that any
6 such person has not previously been fingerprinted for the
7 same case. The law enforcement agency shall submit such
8 fingerprints to the Department daily.

9 (2) After the court pronounces sentence or makes a
10 disposition of a case following a finding of delinquency
11 for any offense which is not required by statute to be
12 collected, maintained, or disseminated by the Department
13 of State Police, the prosecuting attorney may ask the court
14 to order a law enforcement agency to fingerprint
15 immediately all persons appearing before the court who have
16 not previously been fingerprinted for the same case. The
17 court may so order the requested fingerprinting, if it
18 determines that any so sentenced person has not previously
19 been fingerprinted for the same case. The law enforcement
20 agency may retain such fingerprints in its files.

21 (e) Corrections Information. The Illinois Department of
22 Corrections and the sheriff of each county shall furnish the
23 Department with all information concerning the receipt,
24 escape, execution, death, release, pardon, parole, commutation
25 of sentence, granting of executive clemency or discharge of an
26 individual who has been sentenced or committed to the agency's

1 custody for any offenses which are mandated by statute to be
2 collected, maintained or disseminated by the Department of
3 State Police. For an individual who has been charged with any
4 such offense and who escapes from custody or dies while in
5 custody, all information concerning the receipt and escape or
6 death, whichever is appropriate, shall also be so furnished to
7 the Department.

8 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)

9 Section 10. The Clerks of Courts Act is amended by changing
10 Section 14 as follows:

11 (705 ILCS 105/14) (from Ch. 25, par. 14)

12 Sec. 14. The clerks shall enter of record all judgments and
13 orders of their respective courts, as soon after the rendition
14 or making thereof as practicable.

15 Immediately after a judgment of dissolution of marriage or
16 declaration of invalidity of marriage is granted in this State,
17 the clerk of the court which granted the judgment of
18 dissolution of marriage or declaration of invalidity of
19 marriage shall complete and sign the form furnished by the
20 Department of Public Health, and forward such form to the
21 Department of Public Health within 45 days after the close of
22 the month in which the judgment is rendered.

23 The clerk of the circuit court of each county shall, on a
24 monthly basis, provide electronic copies of sentencing orders

1 of persons sentenced under Section 5-4.5-110 of the Unified
2 Code of Corrections to the Sentencing Policy Advisory Council
3 for the purposes of analysis and reporting.

4 (Source: P.A. 83-346.)

5 Section 15. The Criminal Code of 2012 is amended by
6 changing Sections 19-1, 24-1.1, and 24-1.6 as follows:

7 (720 ILCS 5/19-1) (from Ch. 38, par. 19-1)

8 Sec. 19-1. Burglary.

9 (a) A person commits burglary when without authority he or
10 she knowingly enters or without authority remains within a
11 building, housetrailer, watercraft, aircraft, motor vehicle,
12 railroad car, or any part thereof, with intent to commit
13 therein a felony or theft. This offense shall not include the
14 offenses set out in Section 4-102 of the Illinois Vehicle Code.

15 (b) Sentence.

16 Burglary committed in, and without causing damage to, a
17 watercraft, aircraft, motor vehicle, railroad car, or any part
18 thereof is a Class 3 felony. Burglary committed in a building,
19 housetrailer, or any part thereof or while causing damage to a
20 watercraft, aircraft, motor vehicle, railroad car, or any part
21 thereof is a Class 2 felony. A burglary committed in a school,
22 day care center, day care home, group day care home, or part
23 day child care facility, or place of worship is a Class 1
24 felony, except that this provision does not apply to a day care

1 center, day care home, group day care home, or part day child
2 care facility operated in a private residence used as a
3 dwelling.

4 (c) Regarding penalties prescribed in subsection (b) for
5 violations committed in a day care center, day care home, group
6 day care home, or part day child care facility, the time of
7 day, time of year, and whether children under 18 years of age
8 were present in the day care center, day care home, group day
9 care home, or part day child care facility are irrelevant.

10 (Source: P.A. 96-556, eff. 1-1-10; 97-1108, eff. 1-1-13.)

11 (720 ILCS 5/24-1.1) (from Ch. 38, par. 24-1.1)

12 Sec. 24-1.1. Unlawful Use or Possession of Weapons by
13 Felons or Persons in the Custody of the Department of
14 Corrections Facilities.

15 (a) It is unlawful for a person to knowingly possess on or
16 about his person or on his land or in his own abode or fixed
17 place of business any weapon prohibited under Section 24-1 of
18 this Act or any firearm or any firearm ammunition if the person
19 has been convicted of a felony under the laws of this State or
20 any other jurisdiction. This Section shall not apply if the
21 person has been granted relief by the Director of the
22 Department of State Police under Section 10 of the Firearm
23 Owners Identification Card Act.

24 (b) It is unlawful for any person confined in a penal
25 institution, which is a facility of the Illinois Department of

1 Corrections, to possess any weapon prohibited under Section
2 24-1 of this Code or any firearm or firearm ammunition,
3 regardless of the intent with which he possesses it.

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

8 (d) The defense of necessity is not available to a person
9 who is charged with a violation of subsection (b) of this
10 Section.

11 (e) Sentence. Violation of this Section by a person not
12 confined in a penal institution shall be a Class 3 felony for
13 which the person shall be sentenced to no less than 2 years and
14 no more than 10 years. A and any second or subsequent violation
15 of this Section shall be a Class 2 felony for which the person
16 shall be sentenced to a term of imprisonment of not less than 3
17 years and not more than 14 years, except as provided for in
18 Section 5-4.5-110 of the Unified Code of Corrections. Violation
19 of this Section by a person not confined in a penal institution
20 who has been convicted of a forcible felony, a felony violation
21 of Article 24 of this Code or of the Firearm Owners
22 Identification Card Act, stalking or aggravated stalking, or a
23 Class 2 or greater felony under the Illinois Controlled
24 Substances Act, the Cannabis Control Act, or the
25 Methamphetamine Control and Community Protection Act is a Class
26 2 felony for which the person shall be sentenced to not less

1 than 3 years and not more than 14 years, except as provided for
2 in Section 5-4.5-110 of the Unified Code of Corrections.

3 Violation of this Section by a person who is on parole or
4 mandatory supervised release is a Class 2 felony for which the
5 person shall be sentenced to not less than 3 years and not more
6 than 14 years, except as provided for in Section 5-4.5-110 of

7 the Unified Code of Corrections. Violation of this Section by a
8 person not confined in a penal institution is a Class X felony
9 when the firearm possessed is a machine gun. Any person who
10 violates this Section while confined in a penal institution,
11 which is a facility of the Illinois Department of Corrections,
12 is guilty of a Class 1 felony, if he possesses any weapon
13 prohibited under Section 24-1 of this Code regardless of the
14 intent with which he possesses it, a Class X felony if he
15 possesses any firearm, firearm ammunition or explosive, and a
16 Class X felony for which the offender shall be sentenced to not
17 less than 12 years and not more than 50 years when the firearm
18 possessed is a machine gun. A violation of this Section while
19 wearing or in possession of body armor as defined in Section
20 33F-1 is a Class X felony punishable by a term of imprisonment
21 of not less than 10 years and not more than 40 years. The
22 possession of each firearm or firearm ammunition in violation
23 of this Section constitutes a single and separate violation.

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

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

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

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

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

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

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

26 (A-5) the pistol, revolver, or handgun possessed

1 was uncased, loaded, and immediately accessible at the
2 time of the offense and the person possessing the
3 pistol, revolver, or handgun has not been issued a
4 currently valid license under the Firearm Concealed
5 Carry Act; or

6 (B) the firearm, other than a pistol, revolver, or
7 handgun, possessed was uncased, unloaded, and the
8 ammunition for the weapon was immediately accessible
9 at the time of the offense; or

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

16 (C) the person possessing the firearm has not been
17 issued a currently valid Firearm Owner's
18 Identification Card; or

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

23 (E) the person possessing the weapon was engaged in
24 a misdemeanor violation of the Cannabis Control Act, in
25 a misdemeanor violation of the Illinois Controlled
26 Substances Act, or in a misdemeanor violation of the

1 Methamphetamine Control and Community Protection Act;

2 or

3 (F) (blank); or

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

7 (H) the person possessing the weapon was engaged in
8 the commission or attempted commission of a
9 misdemeanor involving the use or threat of violence
10 against the person or property of another; or

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

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

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

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

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

23 (ii) are not immediately accessible; or

24 (iii) are unloaded and enclosed in a case, firearm
25 carrying box, shipping box, or other container by a person
26 who has been issued a currently valid Firearm Owner's

1 Identification Card.

2 (d) Sentence.

3 (1) Aggravated unlawful use of a weapon is a Class 4
4 felony; a second or subsequent offense is a Class 2 felony
5 for which the person shall be sentenced to a term of
6 imprisonment of not less than 3 years and not more than 7
7 years, except as provided for in Section 5-4.5-110 of the
8 Unified Code of Corrections.

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

18 (3) Aggravated unlawful use of a weapon by a person who
19 has been previously convicted of a felony in this State or
20 another jurisdiction is a Class 2 felony for which the
21 person shall be sentenced to a term of imprisonment of not
22 less than 3 years and not more than 7 years, except as
23 provided for in Section 5-4.5-110 of the Unified Code of
24 Corrections.

25 (4) Aggravated unlawful use of a weapon while wearing
26 or in possession of body armor as defined in Section 33F-1

1 by a person who has not been issued a valid Firearms
2 Owner's Identification Card in accordance with Section 5 of
3 the Firearm Owners Identification Card Act is a Class X
4 felony.

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

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

8 Section 20. The Cannabis Control Act is amended by changing
9 Sections 5.2 and 10 as follows:

10 (720 ILCS 550/5.2) (from Ch. 56 1/2, par. 705.2)

11 Sec. 5.2. Delivery of cannabis on school grounds.

12 (a) Any person who violates subsection (e) of Section 5 in
13 any school, on the real property comprising any school, or any
14 conveyance owned, leased or contracted by a school to transport
15 students to or from school or a school related activity, or on
16 any public way within 500 ~~1,000~~ feet of the real property
17 comprising any school, or in any conveyance owned, leased or
18 contracted by a school to transport students to or from school
19 or a school related activity, and at the time of the violation
20 persons under the age of 18 are present, the offense is
21 committed during school hours, or the offense is committed at
22 times when persons under the age of 18 are reasonably expected
23 to be present in the school, in the conveyance, on the real
24 property, or on the public way, such as when after-school

1 activities are occurring, is guilty of a Class 1 felony, the
2 fine for which shall not exceed \$200,000;

3 (b) Any person who violates subsection (d) of Section 5 in
4 any school, on the real property comprising any school, or any
5 conveyance owned, leased or contracted by a school to transport
6 students to or from school or a school related activity, or on
7 any public way within 500 ~~1,000~~ feet of the real property
8 comprising any school, or in any conveyance owned, leased or
9 contracted by a school to transport students to or from school
10 or a school related activity, and at the time of the violation
11 persons under the age of 18 are present, the offense is
12 committed during school hours, or the offense is committed at
13 times when persons under the age of 18 are reasonably expected
14 to be present in the school, in the conveyance, on the real
15 property, or on the public way, such as when after-school
16 activities are occurring, is guilty of a Class 2 felony, the
17 fine for which shall not exceed \$100,000;

18 (c) Any person who violates subsection (c) of Section 5 in
19 any school, on the real property comprising any school, or any
20 conveyance owned, leased or contracted by a school to transport
21 students to or from school or a school related activity, or on
22 any public way within 500 ~~1,000~~ feet of the real property
23 comprising any school, or in any conveyance owned, leased or
24 contracted by a school to transport students to or from school
25 or a school related activity, and at the time of the violation
26 persons under the age of 18 are present, the offense is

1 committed during school hours, or the offense is committed at
2 times when persons under the age of 18 are reasonably expected
3 to be present in the school, in the conveyance, on the real
4 property, or on the public way, such as when after-school
5 activities are occurring, is guilty of a Class 3 felony, the
6 fine for which shall not exceed \$50,000;

7 (d) Any person who violates subsection (b) of Section 5 in
8 any school, on the real property comprising any school, or any
9 conveyance owned, leased or contracted by a school to transport
10 students to or from school or a school related activity, or on
11 any public way within 500 ~~1,000~~ feet of the real property
12 comprising any school, or in any conveyance owned, leased or
13 contracted by a school to transport students to or from school
14 or a school related activity, and at the time of the violation
15 persons under the age of 18 are present, the offense is
16 committed during school hours, or the offense is committed at
17 times when persons under the age of 18 are reasonably expected
18 to be present in the school, in the conveyance, on the real
19 property, or on the public way, such as when after-school
20 activities are occurring, is guilty of a Class 4 felony, the
21 fine for which shall not exceed \$25,000;

22 (e) Any person who violates subsection (a) of Section 5 in
23 any school, on the real property comprising any school, or in
24 any conveyance owned, leased or contracted by a school to
25 transport students to or from school or a school related
26 activity, on any public way within 500 ~~1,000~~ feet of the real

1 property comprising any school, or any conveyance owned, leased
2 or contracted by a school to transport students to or from
3 school or a school related activity, and at the time of the
4 violation persons under the age of 18 are present, the offense
5 is committed during school hours, or the offense is committed
6 at times when persons under the age of 18 are reasonably
7 expected to be present in the school, in the conveyance, on the
8 real property, or on the public way, such as when after-school
9 activities are occurring, is guilty of a Class A misdemeanor.

10 (Source: P.A. 87-544.)

11 (720 ILCS 550/10) (from Ch. 56 1/2, par. 710)

12 Sec. 10. (a) Whenever any person who has not previously
13 been convicted of, ~~or placed on probation or court supervision~~
14 ~~for,~~ any felony offense under this Act or any law of the United
15 States or of any State relating to cannabis, or controlled
16 substances as defined in the Illinois Controlled Substances
17 Act, pleads guilty to or is found guilty of violating Sections
18 4(a), 4(b), 4(c), 5(a), 5(b), 5(c) or 8 of this Act, the court
19 may, without entering a judgment and with the consent of such
20 person, sentence him to probation.

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

1 (c) The conditions of probation shall be that the person:
2 (1) not violate any criminal statute of any jurisdiction; (2)
3 refrain from possession of a firearm or other dangerous weapon;
4 (3) submit to periodic drug testing at a time and in a manner
5 as ordered by the court, but no less than 3 times during the
6 period of the probation, with the cost of the testing to be
7 paid by the probationer; and (4) perform no less than 30 hours
8 of community service, provided community service is available
9 in the jurisdiction and is funded and approved by the county
10 board.

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

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

17 (2) pay a fine and costs;

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

20 (4) undergo medical or psychiatric treatment; or
21 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) refrain from possessing a firearm or other
26 dangerous weapon;

1 (7-5) refrain from having in his or her body the
2 presence of any illicit drug prohibited by the Cannabis
3 Control Act, the Illinois Controlled Substances Act, or the
4 Methamphetamine Control and Community Protection Act,
5 unless prescribed by a physician, and submit samples of his
6 or her blood or urine or both for tests to determine the
7 presence of any illicit drug;

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

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

10 (ii) attend school;

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

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

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

17 (f) Upon fulfillment of the terms and conditions of
18 probation, the court shall discharge such person and dismiss
19 the proceedings against him.

20 (g) A disposition of probation is considered to be a
21 conviction for the purposes of imposing the conditions of
22 probation and for appeal, however, discharge and dismissal
23 under this Section is not a conviction for purposes of
24 disqualification or disabilities imposed by law upon
25 conviction of a crime (including the additional penalty imposed
26 for subsequent offenses under Section 4(c), 4(d), 5(c) or 5(d)

1 of this Act).

2 (h) A person may not have more than one discharge ~~Discharge~~
3 and dismissal under this Section within a 4-year period,
4 ~~Section 410 of the Illinois Controlled Substances Act, Section~~
5 ~~70 of the Methamphetamine Control and Community Protection Act,~~
6 ~~Section 5-6-3.3 or 5-6-3.4 of the Unified Code of Corrections,~~
7 ~~or subsection (c) of Section 11-14 of the Criminal Code of 1961~~
8 ~~or the Criminal Code of 2012 may occur only once with respect~~
9 ~~to any person.~~

10 (i) If a person is convicted of an offense under this Act,
11 the Illinois Controlled Substances Act, or the Methamphetamine
12 Control and Community Protection Act within 5 years subsequent
13 to a discharge and dismissal under this Section, the discharge
14 and dismissal under this Section shall be admissible in the
15 sentencing proceeding for that conviction as a factor 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 shall ~~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 Section 25. The Illinois Controlled Substances Act is
7 amended by changing Sections 401, 402, 407, and 410 as follows:

8 (720 ILCS 570/401) (from Ch. 56 1/2, par. 1401)

9 Sec. 401. Manufacture or delivery, or possession with
10 intent to manufacture or deliver, a controlled substance, a
11 counterfeit substance, or controlled substance analog. Except
12 as authorized by this Act, it is unlawful for any person
13 knowingly to manufacture or deliver, or possess with intent to
14 manufacture or deliver, a controlled substance other than
15 methamphetamine and other than bath salts as defined in the
16 Bath Salts Prohibition Act sold or offered for sale in a retail
17 mercantile establishment as defined in Section 16-0.1 of the
18 Criminal Code of 2012, a counterfeit substance, or a controlled
19 substance analog. A violation of this Act with respect to each
20 of the controlled substances listed herein constitutes a single
21 and separate violation of this Act. For purposes of this
22 Section, "controlled substance analog" or "analog" means a
23 substance, other than a controlled substance, that has a
24 chemical structure substantially similar to that of a

1 controlled substance in Schedule I or II, or that was
2 specifically designed to produce an effect substantially
3 similar to that of a controlled substance in Schedule I or II.
4 Examples of chemical classes in which controlled substance
5 analogs are found include, but are not limited to, the
6 following: phenethylamines, N-substituted piperidines,
7 morphinans, ecgonines, quinazolinones, substituted indoles,
8 and arylcycloalkylamines. For purposes of this Act, a
9 controlled substance analog shall be treated in the same manner
10 as the controlled substance to which it is substantially
11 similar.

12 (a) Any person who violates this Section with respect to
13 the following amounts of controlled or counterfeit substances
14 or controlled substance analogs, notwithstanding any of the
15 provisions of subsections (c), (d), (e), (f), (g) or (h) to the
16 contrary, is guilty of a Class X felony and shall be sentenced
17 to a term of imprisonment as provided in this subsection (a)
18 and fined as provided in subsection (b):

19 (1) (A) not less than 6 years and not more than 30
20 years with respect to 15 grams or more but less than
21 400 ~~100~~ grams of a substance containing heroin, or an
22 analog thereof;

23 (B) not less than 6 ~~9~~ years and not more than 40
24 years with respect to 400 ~~100~~ grams or more but less
25 than 900 ~~400~~ grams of a substance containing heroin, or
26 an analog thereof;

1 (C) not less than 6 ~~12~~ years and not more than 50
2 years with respect to 900 ~~400~~ grams or more ~~but less~~
3 ~~than 900 grams~~ of a substance containing heroin, or an
4 analog thereof;

5 (D) (blank); ~~not less than 15 years and not more~~
6 ~~than 60 years with respect to 900 grams or more of any~~
7 ~~substance containing heroin, or an analog thereof;~~

8 (1.5) (A) not less than 6 years and not more than 30
9 years with respect to 15 grams or more but less than
10 400 ~~100~~ grams of a substance containing fentanyl, or an
11 analog thereof;

12 (B) not less than 6 ~~9~~ years and not more than 40
13 years with respect to 400 ~~100~~ grams or more but less
14 than 900 ~~400~~ grams of a substance containing fentanyl,
15 or an analog thereof;

16 (C) not less than 6 ~~12~~ years and not more than 50
17 years with respect to 900 ~~400~~ grams or more ~~but less~~
18 ~~than 900 grams~~ of a substance containing fentanyl, or
19 an analog thereof;

20 (D) (blank); ~~not less than 15 years and not more~~
21 ~~than 60 years with respect to 900 grams or more of a~~
22 ~~substance containing fentanyl, or an analog thereof;~~

23 (2) (A) not less than 6 years and not more than 30
24 years with respect to 15 grams or more but less than
25 400 ~~100~~ grams of a substance containing cocaine, or an
26 analog thereof;

1 (B) not less than 6 ~~9~~ years and not more than 40
2 years with respect to 400 ~~100~~ grams or more but less
3 than 900 ~~400~~ grams of a substance containing cocaine,
4 or an analog thereof;

5 (C) not less than 6 ~~12~~ years and not more than 50
6 years with respect to 900 ~~400~~ grams or more ~~but less~~
7 ~~than 900 grams~~ of a substance containing cocaine, or an
8 analog thereof;

9 (D) (blank); ~~not less than 15 years and not more~~
10 ~~than 60 years with respect to 900 grams or more of any~~
11 ~~substance containing cocaine, or an analog thereof;~~

12 (3) (A) not less than 6 years and not more than 30
13 years with respect to 15 grams or more but less than
14 400 ~~100~~ grams of a substance containing morphine, or an
15 analog thereof;

16 (B) not less than 6 ~~9~~ years and not more than 40
17 years with respect to 400 ~~100~~ grams or more but less
18 than 900 ~~400~~ grams of a substance containing morphine,
19 or an analog thereof;

20 (C) not less than 6 ~~12~~ years and not more than 50
21 years with respect to 900 ~~400~~ grams or more ~~but less~~
22 ~~than 900 grams~~ of a substance containing morphine, or
23 an analog thereof;

24 (D) (blank); ~~not less than 15 years and not more~~
25 ~~than 60 years with respect to 900 grams or more of a~~
26 ~~substance containing morphine, or an analog thereof;~~

1 (4) 200 grams or more of any substance containing
2 peyote, or an analog thereof;

3 (5) 200 grams or more of any substance containing a
4 derivative of barbituric acid or any of the salts of a
5 derivative of barbituric acid, or an analog thereof;

6 (6) 200 grams or more of any substance containing
7 amphetamine or any salt of an optical isomer of
8 amphetamine, or an analog thereof;

9 (6.5) (blank);

10 (6.6) (blank);

11 (7) (A) not less than 6 years and not more than 30
12 years with respect to: (i) 15 grams or more but less
13 than 400 ~~100~~ grams of a substance containing lysergic
14 acid diethylamide (LSD), or an analog thereof, or (ii)
15 15 or more objects or 15 or more segregated parts of an
16 object or objects but less than 800 ~~200~~ objects or 800
17 ~~200~~ segregated parts of an object or objects containing
18 in them or having upon them any amounts of any
19 substance containing lysergic acid diethylamide (LSD),
20 or an analog thereof;

21 (B) not less than 6 ~~9~~ years and not more than 40
22 years with respect to: (i) 400 ~~100~~ grams or more but
23 less than 900 ~~400~~ grams of a substance containing
24 lysergic acid diethylamide (LSD), or an analog
25 thereof, or (ii) 800 ~~200~~ or more objects or 800 ~~200~~
26 more segregated parts of an object or objects but less

1 than 2400 ~~600~~ objects or less than 2400 ~~600~~ segregated
2 parts of an object or objects containing in them or
3 having upon them any amount of any substance containing
4 lysergic acid diethylamide (LSD), or an analog
5 thereof;

6 (C) not less than 6 ~~12~~ years and not more than 50
7 years with respect to: (i) 900 ~~400~~ grams or more ~~but~~
8 ~~less than 900 grams~~ of a substance containing lysergic
9 acid diethylamide (LSD), or an analog thereof, or (ii)
10 2400 ~~600~~ or more objects or 2400 ~~600~~ or more segregated
11 parts of an object or objects ~~but less than 1500~~
12 ~~objects or 1500 segregated parts of an object or~~
13 ~~objects~~ containing in them or having upon them any
14 amount of any substance containing lysergic acid
15 diethylamide (LSD), or an analog thereof;

16 (D) (blank); ~~not less than 15 years and not more~~
17 ~~than 60 years with respect to: (i) 900 grams or more of~~
18 ~~any substance containing lysergic acid diethylamide~~
19 ~~(LSD), or an analog thereof, or (ii) 1500 or more~~
20 ~~objects or 1500 or more segregated parts of an object~~
21 ~~or objects containing in them or having upon them any~~
22 ~~amount of a substance containing lysergic acid~~
23 ~~diethylamide (LSD), or an analog thereof;~~

24 (7.5) (A) not less than 6 years and not more than 30
25 years with respect to: (i) 15 grams or more but less
26 than 400 ~~100~~ grams of a substance listed in paragraph

1 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),
2 (20.1), (21), (25), or (26) of subsection (d) of
3 Section 204, or an analog or derivative thereof, or
4 (ii) 15 or more pills, tablets, caplets, capsules, or
5 objects but less than 800 ~~200~~ pills, tablets, caplets,
6 capsules, or objects containing in them or having upon
7 them any amounts of any substance listed in paragraph
8 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),
9 (20.1), (21), (25), or (26) of subsection (d) of
10 Section 204, or an analog or derivative thereof;

11 (B) not less than 6 ~~9~~ years and not more than 40
12 years with respect to: (i) 400 ~~100~~ grams or more but
13 less than 900 ~~400~~ grams of a substance listed in
14 paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19),
15 (20), (20.1), (21), (25), or (26) of subsection (d) of
16 Section 204, or an analog or derivative thereof, or
17 (ii) 800 ~~200~~ or more pills, tablets, caplets, capsules,
18 or objects but less than 2400 ~~600~~ pills, tablets,
19 caplets, capsules, or objects containing in them or
20 having upon them any amount of any substance listed in
21 paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19),
22 (20), (20.1), (21), (25), or (26) of subsection (d) of
23 Section 204, or an analog or derivative thereof;

24 (C) not less than 6 ~~12~~ years and not more than 50
25 years with respect to: (i) 900 ~~400~~ grams or more ~~but~~
26 ~~less than 900 grams~~ of a substance listed in paragraph

1 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),
2 (20.1), (21), (25), or (26) of subsection (d) of
3 Section 204, or an analog or derivative thereof, or
4 (ii) 2400 ~~600~~ or more pills, tablets, caplets,
5 capsules, or objects ~~but less than 1,500 pills,~~
6 ~~tablets, caplets, capsules, or objects~~ containing in
7 them or having upon them any amount of any substance
8 listed in paragraph (1), (2), (2.1), (2.2), (3),
9 (14.1), (19), (20), (20.1), (21), (25), or (26) of
10 subsection (d) of Section 204, or an analog or
11 derivative thereof;

12 (D) (blank); ~~not less than 15 years and not more~~
13 ~~than 60 years with respect to: (i) 900 grams or more of~~
14 ~~any substance listed in paragraph (1), (2), (2.1),~~
15 ~~(2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or~~
16 ~~(26) of subsection (d) of Section 204, or an analog or~~
17 ~~derivative thereof, or (ii) 1,500 or more pills,~~
18 ~~tablets, caplets, capsules, or objects containing in~~
19 ~~them or having upon them any amount of a substance~~
20 ~~listed in paragraph (1), (2), (2.1), (2.2), (3),~~
21 ~~(14.1), (19), (20), (20.1), (21), (25), or (26) of~~
22 ~~subsection (d) of Section 204, or an analog or~~
23 ~~derivative thereof;~~

24 (8) 30 grams or more of any substance containing
25 pentazocine or any of the salts, isomers and salts of
26 isomers of pentazocine, or an analog thereof;

1 (9) 30 grams or more of any substance containing
2 methaqualone or any of the salts, isomers and salts of
3 isomers of methaqualone, or an analog thereof;

4 (10) 30 grams or more of any substance containing
5 phencyclidine or any of the salts, isomers and salts of
6 isomers of phencyclidine (PCP), or an analog thereof;

7 (10.5) 30 grams or more of any substance containing
8 ketamine or any of the salts, isomers and salts of isomers
9 of ketamine, or an analog thereof;

10 (10.6) 100 grams or more of any substance containing
11 hydrocodone, or any of the salts, isomers and salts of
12 isomers of hydrocodone, or an analog thereof;

13 (10.7) 100 grams or more of any substance containing
14 dihydrocodeinone, or any of the salts, isomers and salts of
15 isomers of dihydrocodeinone, or an analog thereof;

16 (10.8) 100 grams or more of any substance containing
17 dihydrocodeine, or any of the salts, isomers and salts of
18 isomers of dihydrocodeine, or an analog thereof;

19 (10.9) 100 grams or more of any substance containing
20 oxycodone, or any of the salts, isomers and salts of
21 isomers of oxycodone, or an analog thereof;

22 (11) 200 grams or more of any substance containing any
23 other controlled substance classified in Schedules I or II,
24 or an analog thereof, which is not otherwise included in
25 this subsection.

26 (b) Any person sentenced with respect to violations of

1 paragraph (1), (2), (3), (7), or (7.5) of subsection (a)
2 involving 100 grams or more of the controlled substance named
3 therein, may in addition to the penalties provided therein, be
4 fined an amount not more than \$500,000 or the full street value
5 of the controlled or counterfeit substance or controlled
6 substance analog, whichever is greater. The term "street value"
7 shall have the meaning ascribed in Section 110-5 of the Code of
8 Criminal Procedure of 1963. Any person sentenced with respect
9 to any other provision of subsection (a), may in addition to
10 the penalties provided therein, be fined an amount not to
11 exceed \$500,000.

12 (b-1) Excluding violations of this Act when the controlled
13 substance is fentanyl, any person sentenced to a term of
14 imprisonment with respect to violations of Section 401, 401.1,
15 405, 405.1, 405.2, or 407, when the substance containing the
16 controlled substance contains any amount of fentanyl, 3 years
17 shall be added to the term of imprisonment imposed by the
18 court, and the maximum sentence for the offense shall be
19 increased by 3 years.

20 (c) Any person who violates this Section with regard to the
21 following amounts of controlled or counterfeit substances or
22 controlled substance analogs, notwithstanding any of the
23 provisions of subsections (a), (b), (d), (e), (f), (g) or (h)
24 to the contrary, is guilty of a Class 1 felony. The fine for
25 violation of this subsection (c) shall not be more than
26 \$250,000:

1 (1) 1 gram or more but less than 15 grams of any
2 substance containing heroin, or an analog thereof;

3 (1.5) 1 gram or more but less than 15 grams of any
4 substance containing fentanyl, or an analog thereof;

5 (2) 1 gram or more but less than 15 grams of any
6 substance containing cocaine, or an analog thereof;

7 (3) 10 grams or more but less than 15 grams of any
8 substance containing morphine, or an analog thereof;

9 (4) 50 grams or more but less than 200 grams of any
10 substance containing peyote, or an analog thereof;

11 (5) 50 grams or more but less than 200 grams of any
12 substance containing a derivative of barbituric acid or any
13 of the salts of a derivative of barbituric acid, or an
14 analog thereof;

15 (6) 50 grams or more but less than 200 grams of any
16 substance containing amphetamine or any salt of an optical
17 isomer of amphetamine, or an analog thereof;

18 (6.5) (blank);

19 (7) (i) 5 grams or more but less than 15 grams of any
20 substance containing lysergic acid diethylamide (LSD), or
21 an analog thereof, or (ii) more than 10 objects or more
22 than 10 segregated parts of an object or objects but less
23 than 15 objects or less than 15 segregated parts of an
24 object containing in them or having upon them any amount of
25 any substance containing lysergic acid diethylamide (LSD),
26 or an analog thereof;

1 (7.5) (i) 5 grams or more but less than 15 grams of any
2 substance listed in paragraph (1), (2), (2.1), (2.2), (3),
3 (14.1), (19), (20), (20.1), (21), (25), or (26) of
4 subsection (d) of Section 204, or an analog or derivative
5 thereof, or (ii) more than 10 pills, tablets, caplets,
6 capsules, or objects but less than 15 pills, tablets,
7 caplets, capsules, or objects containing in them or having
8 upon them any amount of any substance listed in paragraph
9 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20), (20.1),
10 (21), (25), or (26) of subsection (d) of Section 204, or an
11 analog or derivative thereof;

12 (8) 10 grams or more but less than 30 grams of any
13 substance containing pentazocine or any of the salts,
14 isomers and salts of isomers of pentazocine, or an analog
15 thereof;

16 (9) 10 grams or more but less than 30 grams of any
17 substance containing methaqualone or any of the salts,
18 isomers and salts of isomers of methaqualone, or an analog
19 thereof;

20 (10) 10 grams or more but less than 30 grams of any
21 substance containing phencyclidine or any of the salts,
22 isomers and salts of isomers of phencyclidine (PCP), or an
23 analog thereof;

24 (10.5) 10 grams or more but less than 30 grams of any
25 substance containing ketamine or any of the salts, isomers
26 and salts of isomers of ketamine, or an analog thereof;

1 (10.6) 50 grams or more but less than 100 grams of any
2 substance containing hydrocodone, or any of the salts,
3 isomers and salts of isomers of hydrocodone, or an analog
4 thereof;

5 (10.7) 50 grams or more but less than 100 grams of any
6 substance containing dihydrocodeinone, or any of the
7 salts, isomers and salts of isomers of dihydrocodeinone, or
8 an analog thereof;

9 (10.8) 50 grams or more but less than 100 grams of any
10 substance containing dihydrocodeine, or any of the salts,
11 isomers and salts of isomers of dihydrocodeine, or an
12 analog thereof;

13 (10.9) 50 grams or more but less than 100 grams of any
14 substance containing oxycodone, or any of the salts,
15 isomers and salts of isomers of oxycodone, or an analog
16 thereof;

17 (11) 50 grams or more but less than 200 grams of any
18 substance containing a substance classified in Schedules I
19 or II, or an analog thereof, which is not otherwise
20 included in this subsection.

21 (c-5) (Blank).

22 (d) Any person who violates this Section with regard to any
23 other amount of a controlled or counterfeit substance
24 containing dihydrocodeinone or dihydrocodeine or classified in
25 Schedules I or II, or an analog thereof, which is (i) a
26 narcotic drug, (ii) lysergic acid diethylamide (LSD) or an

1 analog thereof, (iii) any substance containing amphetamine or
2 fentanyl or any salt or optical isomer of amphetamine or
3 fentanyl, or an analog thereof, or (iv) any substance
4 containing N-Benzylpiperazine (BZP) or any salt or optical
5 isomer of N-Benzylpiperazine (BZP), or an analog thereof, is
6 guilty of a Class 2 felony. The fine for violation of this
7 subsection (d) shall not be more than \$200,000.

8 (d-5) (Blank).

9 (e) Any person who violates this Section with regard to any
10 other amount of a controlled substance other than
11 methamphetamine or counterfeit substance classified in
12 Schedule I or II, or an analog thereof, which substance is not
13 included under subsection (d) of this Section, is guilty of a
14 Class 3 felony. The fine for violation of this subsection (e)
15 shall not be more than \$150,000.

16 (f) Any person who violates this Section with regard to any
17 other amount of a controlled or counterfeit substance
18 classified in Schedule III is guilty of a Class 3 felony. The
19 fine for violation of this subsection (f) shall not be more
20 than \$125,000.

21 (g) Any person who violates this Section with regard to any
22 other amount of a controlled or counterfeit substance
23 classified in Schedule IV is guilty of a Class 3 felony. The
24 fine for violation of this subsection (g) shall not be more
25 than \$100,000.

26 (h) Any person who violates this Section with regard to any

1 other amount of a controlled or counterfeit substance
2 classified in Schedule V is guilty of a Class 3 felony. The
3 fine for violation of this subsection (h) shall not be more
4 than \$75,000.

5 (i) This Section does not apply to the manufacture,
6 possession or distribution of a substance in conformance with
7 the provisions of an approved new drug application or an
8 exemption for investigational use within the meaning of Section
9 505 of the Federal Food, Drug and Cosmetic Act.

10 (j) (Blank).

11 (Source: P.A. 99-371, eff. 1-1-16; 99-585, eff. 1-1-17.)

12 (720 ILCS 570/402) (from Ch. 56 1/2, par. 1402)

13 Sec. 402. Except as otherwise authorized by this Act, it is
14 unlawful for any person knowingly to possess a controlled or
15 counterfeit substance or controlled substance analog. A
16 violation of this Act with respect to each of the controlled
17 substances listed herein constitutes a single and separate
18 violation of this Act. For purposes of this Section,
19 "controlled substance analog" or "analog" means a substance,
20 other than a controlled substance, that has a chemical
21 structure substantially similar to that of a controlled
22 substance in Schedule I or II, or that was specifically
23 designed to produce an effect substantially similar to that of
24 a controlled substance in Schedule I or II. Examples of
25 chemical classes in which controlled substance analogs are

1 found include, but are not limited to, the following:
2 phenethylamines, N-substituted piperidines, morphinans,
3 ecgonines, quinazolinones, substituted indoles, and
4 arylcycloalkylamines. For purposes of this Act, a controlled
5 substance analog shall be treated in the same manner as the
6 controlled substance to which it is substantially similar.

7 (a) Any person who violates this Section with respect to
8 the following controlled or counterfeit substances and
9 amounts, notwithstanding any of the provisions of subsections
10 (c) and (d) to the contrary, ~~is guilty of a Class 1 felony and~~
11 ~~shall,~~ if sentenced to a term of imprisonment, shall be
12 sentenced as provided in this subsection (a) and fined as
13 provided in subsection (b):

14 (1) (A) a person in possession of ~~not less than 4 years~~
15 ~~and not more than 15 years with respect to~~ 15 grams or
16 more but less than 50 ~~100~~ grams of a substance
17 containing heroin is guilty of a Class 3 felony;

18 (B) a person in possession of 50 ~~not less than 6~~
19 ~~years and not more than 30 years with respect to 100~~
20 grams or more but less than 100 ~~400~~ grams of a
21 substance containing heroin is guilty of a Class 2
22 felony;

23 (C) a person in possession of more than 100 ~~not~~
24 ~~less than 8 years and not more than 40 years with~~
25 ~~respect to 400 grams or more but less than 900 grams of~~
26 any substance containing heroin is guilty of a Class 1

1 felony;

2 (D) (blank); ~~not less than 10 years and not more~~
3 ~~than 50 years with respect to 900 grams or more of any~~
4 ~~substance containing heroin;~~

5 (2) (A) a person in possession of ~~not less than 4 years~~
6 ~~and not more than 15 years with respect to~~ 15 grams or
7 more but less than 50 ~~100~~ grams of any substance
8 containing cocaine is guilty of a Class 3 felony;

9 (B) a person in possession of 50 ~~not less than 6~~
10 ~~years and not more than 30 years with respect to 100~~
11 grams or more but less than 100 ~~400~~ grams of any
12 substance containing cocaine is guilty of a Class 2
13 felony;

14 (C) a person in possession of more than 100 ~~not~~
15 ~~less than 8 years and not more than 40 years with~~
16 ~~respect to 400 grams or more but less than 900 grams of~~
17 any substance containing cocaine is guilty of a Class 1
18 felony;

19 (D) (blank); ~~not less than 10 years and not more~~
20 ~~than 50 years with respect to 900 grams or more of any~~
21 ~~substance containing cocaine;~~

22 (3) (A) a person in possession of ~~not less than 4 years~~
23 ~~and not more than 15 years with respect to~~ 15 grams or
24 more but less than 50 ~~100~~ grams of any substance
25 containing morphine is guilty of a Class 3 felony;

26 (B) a person in possession of 50 ~~not less than 6~~

1 ~~years and not more than 30 years with respect to 100~~
2 grams or more but less than 100 ~~400~~ grams of any
3 substance containing morphine is guilty of a Class 2
4 felony;

5 (C) a person in possession of more than 100 ~~not~~
6 ~~less than 6 years and not more than 40 years with~~
7 ~~respect to 400 grams or more but less than 900 grams of~~
8 any substance containing morphine is guilty of a Class
9 1 felony;

10 (D) (blank); ~~not less than 10 years and not more~~
11 ~~than 50 years with respect to 900 grams or more of any~~
12 ~~substance containing morphine;~~

13 (4) a person in possession of 200 grams or more of any
14 substance containing peyote is guilty of a Class 1 felony;

15 (5) a person in possession of 200 grams or more of any
16 substance containing a derivative of barbituric acid or any
17 of the salts of a derivative of barbituric acid is guilty
18 of a Class 1 felony;

19 (6) a person in possession of 200 grams or more of any
20 substance containing amphetamine or any salt of an optical
21 isomer of amphetamine is guilty of a Class 1 felony;

22 (6.5) (blank);

23 (7) (A) a person is guilty of a Class 3 felony if he or
24 she in possession of: ~~not less than 4 years and not~~
25 ~~more than 15 years with respect to:~~ (i) 15 grams or
26 more but less than 50 ~~100~~ grams of any substance

1 containing lysergic acid diethylamide (LSD), or an
2 analog thereof, or (ii) 15 or more objects or 15 or
3 more segregated parts of an object or objects but less
4 than 100 ~~200~~ objects or 100 ~~200~~ segregated parts of an
5 object or objects containing in them or having upon
6 them any amount of any substance containing lysergic
7 acid diethylamide (LSD), or an analog thereof;

8 (B) a person is guilty of a Class 2 felony if he or
9 she is in possession of: not less than 6 years and not
10 more than 30 years with respect to: (i) 50 ~~100~~ grams or
11 more but less than 100 ~~400~~ grams of any substance
12 containing lysergic acid diethylamide (LSD), or an
13 analog thereof, or (ii) 100 ~~200~~ or more objects or 100
14 ~~200~~ or more segregated parts of an object or objects
15 but less than 300 ~~600~~ objects or less than 300 ~~600~~
16 segregated parts of an object or objects containing in
17 them or having upon them any amount of any substance
18 containing lysergic acid diethylamide (LSD), or an
19 analog thereof;

20 (C) a person is guilty of a Class 1 felony if he or
21 she is in possession of: not less than 8 years and not
22 more than 40 years with respect to: (i) 100 ~~400~~ grams
23 or more ~~but less than 900 grams~~ of any substance
24 containing lysergic acid diethylamide (LSD), or an
25 analog thereof, or (ii) 300 ~~600~~ or more objects or 300
26 ~~600~~ or more segregated parts of an object or objects

1 ~~but less than 1500 objects or 1500 segregated parts of~~
2 ~~an object or objects~~ containing in them or having upon
3 them any amount of any substance containing lysergic
4 acid diethylamide (LSD), or an analog thereof;

5 (D) (blank); ~~not less than 10 years and not more~~
6 ~~than 50 years with respect to: (i) 900 grams or more of~~
7 ~~any substance containing lysergic acid diethylamide~~
8 ~~(LSD), or an analog thereof, or (ii) 1500 or more~~
9 ~~objects or 1500 or more segregated parts of an object~~
10 ~~or objects containing in them or having upon them any~~
11 ~~amount of a substance containing lysergic acid~~
12 ~~diethylamide (LSD), or an analog thereof;~~

13 (7.5) (A) a person is guilty of a Class 3 felony if he
14 or she is in possession of: ~~not less than 4 years and~~
15 ~~not more than 15 years with respect to:~~ (i) 15 grams or
16 more but less than 50 ~~100~~ grams of any substance listed
17 in paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19),
18 (20), (20.1), (21), (25), or (26) of subsection (d) of
19 Section 204, or an analog or derivative thereof, or
20 (ii) 15 or more pills, tablets, caplets, capsules, or
21 objects but less than 100 ~~200~~ pills, tablets, caplets,
22 capsules, or objects containing in them or having upon
23 them any amount of any substance listed in paragraph
24 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),
25 (20.1), (21), (25), or (26) of subsection (d) of
26 Section 204, or an analog or derivative thereof;

1 (B) a person is guilty of a Class 2 felony if he or
2 she is in possession of: ~~not less than 6 years and not~~
3 ~~more than 30 years with respect to:~~ (i) 50 ~~100~~ grams or
4 more but less than 100 ~~400~~ grams of any substance
5 listed in paragraph (1), (2), (2.1), (2.2), (3),
6 (14.1), (19), (20), (20.1), (21), (25), or (26) of
7 subsection (d) of Section 204, or an analog or
8 derivative thereof, or (ii) 100 ~~200~~ or more pills,
9 tablets, caplets, capsules, or objects but less than
10 300 ~~600~~ pills, tablets, caplets, capsules, or objects
11 containing in them or having upon them any amount of
12 any substance listed in paragraph (1), (2), (2.1),
13 (2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or
14 (26) of subsection (d) of Section 204, or an analog or
15 derivative thereof;

16 (C) a person is guilty of a Class 1 felony if he or
17 she is in possession of: ~~not less than 8 years and not~~
18 ~~more than 40 years with respect to:~~ (i) 100 ~~400~~ grams
19 or more ~~but less than 900 grams~~ of any substance listed
20 in paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19),
21 (20), (20.1), (21), (25), or (26) of subsection (d) of
22 Section 204, or an analog or derivative thereof, or
23 (ii) 300 ~~600~~ or more pills, tablets, caplets, capsules,
24 or objects but less than 1,500 pills, tablets, caplets,
25 capsules, or objects containing in them or having upon
26 them any amount of any substance listed in paragraph

1 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),
2 (20.1), (21), (25), or (26) of subsection (d) of
3 Section 204, or an analog or derivative thereof;

4 (D) (blank); ~~not less than 10 years and not more~~
5 ~~than 50 years with respect to: (i) 900 grams or more of~~
6 ~~any substance listed in paragraph (1), (2), (2.1),~~
7 ~~(2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or~~
8 ~~(26) of subsection (d) of Section 204, or an analog or~~
9 ~~derivative thereof, or (ii) 1,500 or more pills,~~
10 ~~tablets, caplets, capsules, or objects containing in~~
11 ~~them or having upon them any amount of a substance~~
12 ~~listed in paragraph (1), (2), (2.1), (2.2), (3),~~
13 ~~(14.1), (19), (20), (20.1), (21), (25), or (26) of~~
14 ~~subsection (d) of Section 204, or an analog or~~
15 ~~derivative thereof;~~

16 (8) a person in possession of 30 grams or more of any
17 substance containing pentazocine or any of the salts,
18 isomers and salts of isomers of pentazocine, or an analog
19 thereof is guilty of a Class 1 felony;

20 (9) a person in possession of 30 grams or more of any
21 substance containing methaqualone or any of the salts,
22 isomers and salts of isomers of methaqualone is guilty of a
23 Class 1 felony;

24 (10) a person in possession of 30 grams or more of any
25 substance containing phencyclidine or any of the salts,
26 isomers and salts of isomers of phencyclidine (PCP) is

1 guilty of a Class 1 felony;

2 (10.5) a person in possession of 30 grams or more of
3 any substance containing ketamine or any of the salts,
4 isomers and salts of isomers of ketamine is guilty of a
5 Class 1 felony;

6 (11) a person in possession of 200 grams or more of any
7 substance containing any substance classified as a
8 narcotic drug in Schedules I or II, or an analog thereof,
9 which is not otherwise included in this subsection is
10 guilty of a Class 1 felony.

11 (b) Any person sentenced with respect to violations of
12 paragraph (1), (2), (3), (7), or (7.5) of subsection (a)
13 involving 100 grams or more of the controlled substance named
14 therein, may in addition to the penalties provided therein, be
15 fined an amount not to exceed \$200,000 or the full street value
16 of the controlled or counterfeit substances, whichever is
17 greater. The term "street value" shall have the meaning
18 ascribed in Section 110-5 of the Code of Criminal Procedure of
19 1963. Any person sentenced with respect to any other provision
20 of subsection (a), may in addition to the penalties provided
21 therein, be fined an amount not to exceed \$200,000.

22 (c) Any person who violates this Section with regard to an
23 amount of a controlled substance other than methamphetamine or
24 counterfeit substance not set forth in subsection (a) or (d) is
25 guilty of a Class 4 felony. The fine for a violation punishable
26 under this subsection (c) shall not be more than \$25,000.

1 (d) Any person who violates this Section with regard to any
2 amount of anabolic steroid is guilty of a Class C misdemeanor
3 for the first offense and a Class B misdemeanor for a
4 subsequent offense committed within 2 years of a prior
5 conviction.

6 (Source: P.A. 99-371, eff. 1-1-16.)

7 (720 ILCS 570/407) (from Ch. 56 1/2, par. 1407)

8 Sec. 407. (a) (1) (A) Any person 18 years of age or over who
9 violates any subsection of Section 401 or subsection (b) of
10 Section 404 by delivering a controlled, counterfeit or
11 look-alike substance to a person under 18 years of age may be
12 sentenced to imprisonment for a term up to twice the maximum
13 term and fined an amount up to twice that amount otherwise
14 authorized by the pertinent subsection of Section 401 and
15 Subsection (b) of Section 404.

16 (B) (Blank).

17 (2) Except as provided in paragraph (3) of this subsection,
18 any person who violates:

19 (A) subsection (c) of Section 401 by delivering or
20 possessing with intent to deliver a controlled,
21 counterfeit, or look-alike substance in or on, or within
22 500 ~~1,000~~ feet of, a truck stop or safety rest area, is
23 guilty of a Class 1 felony, the fine for which shall not
24 exceed \$250,000;

25 (B) subsection (d) of Section 401 by delivering or

1 possessing with intent to deliver a controlled,
2 counterfeit, or look-alike substance in or on, or within
3 500 ~~1,000~~ feet of, a truck stop or safety rest area, is
4 guilty of a Class 2 felony, the fine for which shall not
5 exceed \$200,000;

6 (C) subsection (e) of Section 401 or subsection (b) of
7 Section 404 by delivering or possessing with intent to
8 deliver a controlled, counterfeit, or look-alike substance
9 in or on, or within 500 ~~1,000~~ feet of, a truck stop or
10 safety rest area, is guilty of a Class 3 felony, the fine
11 for which shall not exceed \$150,000;

12 (D) subsection (f) of Section 401 by delivering or
13 possessing with intent to deliver a controlled,
14 counterfeit, or look-alike substance in or on, or within
15 500 ~~1,000~~ feet of, a truck stop or safety rest area, is
16 guilty of a Class 3 felony, the fine for which shall not
17 exceed \$125,000;

18 (E) subsection (g) of Section 401 by delivering or
19 possessing with intent to deliver a controlled,
20 counterfeit, or look-alike substance in or on, or within
21 500 ~~1,000~~ feet of, a truck stop or safety rest area, is
22 guilty of a Class 3 felony, the fine for which shall not
23 exceed \$100,000;

24 (F) subsection (h) of Section 401 by delivering or
25 possessing with intent to deliver a controlled,
26 counterfeit, or look-alike substance in or on, or within

1 500 ~~1,000~~ feet of, a truck stop or safety rest area, is
2 guilty of a Class 3 felony, the fine for which shall not
3 exceed \$75,000;

4 (3) Any person who violates paragraph (2) of this
5 subsection (a) by delivering or possessing with intent to
6 deliver a controlled, counterfeit, or look-alike substance in
7 or on, or within 500 ~~1,000~~ feet of a truck stop or a safety rest
8 area, following a prior conviction or convictions of paragraph
9 (2) of this subsection (a) may be sentenced to a term of
10 imprisonment up to 2 times the maximum term and fined an amount
11 up to 2 times the amount otherwise authorized by Section 401.

12 (4) For the purposes of this subsection (a):

13 (A) "Safety rest area" means a roadside facility
14 removed from the roadway with parking and facilities
15 designed for motorists' rest, comfort, and information
16 needs; and

17 (B) "Truck stop" means any facility (and its parking
18 areas) used to provide fuel or service, or both, to any
19 commercial motor vehicle as defined in Section 18b-101 of
20 the Illinois Vehicle Code.

21 (b) Any person who violates:

22 (1) subsection (c) of Section 401 in any school, on or
23 within 500 feet of the real property comprising any school,
24 or in any conveyance owned, leased or contracted by a
25 school to transport students to or from school or a school
26 related activity, and at the time of the violation persons

1 under the age of 18 are present, the offense is committed
2 during school hours, or the offense is committed at times
3 when persons under the age of 18 are reasonably expected to
4 be present in the school, in the conveyance, or on the real
5 property, such as when after-school activities are
6 ~~occurring or residential property owned, operated or~~
7 ~~managed by a public housing agency or leased by a public~~
8 ~~housing agency as part of a scattered site or mixed income~~
9 ~~development, or in any public park or,~~ on or within 500
10 feet of the real property comprising any ~~school or~~
11 ~~residential property owned, operated or managed by a public~~
12 ~~housing agency or leased by a public housing agency as part~~
13 ~~of a scattered site or mixed income development, or public~~
14 ~~park or within 1,000 feet of the real property comprising~~
15 ~~any school or residential property owned, operated or~~
16 ~~managed by a public housing agency or leased by a public~~
17 ~~housing agency as part of a scattered site or mixed income~~
18 ~~development, or public park,~~ on the real property
19 comprising any church, synagogue, or other building,
20 structure, or place used primarily for religious worship,
21 or within 500 ~~1,000~~ feet of the real property comprising
22 any church, synagogue, or other building, structure, or
23 place used primarily for religious worship, on the real
24 property comprising any of the following places,
25 buildings, or structures used primarily for housing or
26 providing space for activities for senior citizens:

1 nursing homes, assisted-living centers, senior citizen
2 housing complexes, or senior centers oriented toward
3 daytime activities, or within 500 ~~1,000~~ feet of the real
4 property comprising any of the following places,
5 buildings, or structures used primarily for housing or
6 providing space for activities for senior citizens:
7 nursing homes, assisted-living centers, senior citizen
8 housing complexes, or senior centers oriented toward
9 daytime activities and at the time of the violation persons
10 are present or reasonably expected to be present in the
11 church, synagogue, or other building, structure, or place
12 used primarily for religious worship during worship
13 services, or in buildings or structures used primarily for
14 housing or providing space for activities for senior
15 citizens: nursing homes, assisted-living centers, senior
16 citizen housing complexes, or senior centers oriented
17 toward daytime activities during the hours those places,
18 buildings, or structures are open for those activities, or
19 on the real property is guilty of a Class X felony, the
20 fine for which shall not exceed \$500,000;

21 (2) subsection (d) of Section 401 in any school, on or
22 within 500 feet of the real property comprising any school,
23 or in any conveyance owned, leased or contracted by a
24 school to transport students to or from school or a school
25 related activity, and at the time of the violation persons
26 under the age of 18 are present, the offense is committed

1 during school hours, or the offense is committed at times
2 when persons under the age of 18 are reasonably expected to
3 be present in the school, in the conveyance, or on the real
4 property, such as when after-school activities are
5 occurring ~~or residential property owned, operated or~~
6 ~~managed by a public housing agency or leased by a public~~
7 ~~housing agency as part of a scattered site or mixed income~~
8 ~~development, or in any public park or 7 on or within 500~~
9 feet of the real property comprising any ~~school or~~
10 ~~residential property owned, operated or managed by a public~~
11 ~~housing agency or leased by a public housing agency as part~~
12 ~~of a scattered site or mixed income development, or public~~
13 ~~park or within 1,000 feet of the real property comprising~~
14 ~~any school or residential property owned, operated or~~
15 ~~managed by a public housing agency or leased by a public~~
16 ~~housing agency as part of a scattered site or mixed income~~
17 ~~development, or public park,~~ on the real property
18 comprising any church, synagogue, or other building,
19 structure, or place used primarily for religious worship,
20 or within 500 ~~1,000~~ feet of the real property comprising
21 any church, synagogue, or other building, structure, or
22 place used primarily for religious worship, on the real
23 property comprising any of the following places,
24 buildings, or structures used primarily for housing or
25 providing space for activities for senior citizens:
26 nursing homes, assisted-living centers, senior citizen

1 housing complexes, or senior centers oriented toward
2 daytime activities, or within 500 ~~1,000~~ feet of the real
3 property comprising any of the following places,
4 buildings, or structures used primarily for housing or
5 providing space for activities for senior citizens:
6 nursing homes, assisted-living centers, senior citizen
7 housing complexes, or senior centers oriented toward
8 daytime activities and at the time of the violation persons
9 are present or reasonably expected to be present in the
10 church, synagogue, or other building, structure, or place
11 used primarily for religious worship during worship
12 services, or in buildings or structures used primarily for
13 housing or providing space for activities for senior
14 citizens: nursing homes, assisted-living centers, senior
15 citizen housing complexes, or senior centers oriented
16 toward daytime activities during the hours those places,
17 buildings, or structures are open for those activities, or
18 on the real property is guilty of a Class 1 felony, the
19 fine for which shall not exceed \$250,000;

20 (3) subsection (e) of Section 401 or Subsection (b) of
21 Section 404 in any school, on or within 500 feet of the
22 real property comprising any school, or in any conveyance
23 owned, leased or contracted by a school to transport
24 students to or from school or a school related activity,
25 and at the time of the violation persons under the age of
26 18 are present, the offense is committed during school

1 hours, or the offense is committed at times when persons
2 under the age of 18 are reasonably expected to be present
3 in the school, in the conveyance, or on the real property,
4 such as when after-school activities are occurring ~~or~~
5 ~~residential property owned, operated or managed by a public~~
6 ~~housing agency or leased by a public housing agency as part~~
7 ~~of a scattered site or mixed income development, or in any~~
8 public park ~~or~~, on or within 500 feet of the real property
9 comprising any ~~school or residential property owned,~~
10 ~~operated or managed by a public housing agency or leased by~~
11 ~~a public housing agency as part of a scattered site or~~
12 ~~mixed income development, or public park or within 1,000~~
13 ~~feet of the real property comprising any school or~~
14 ~~residential property owned, operated or managed by a public~~
15 ~~housing agency or leased by a public housing agency as part~~
16 ~~of a scattered site or mixed income development, or public~~
17 ~~park,~~ on the real property comprising any church,
18 synagogue, or other building, structure, or place used
19 primarily for religious worship, or within 500 ~~1,000~~ feet
20 of the real property comprising any church, synagogue, or
21 other building, structure, or place used primarily for
22 religious worship, on the real property comprising any of
23 the following places, buildings, or structures used
24 primarily for housing or providing space for activities for
25 senior citizens: nursing homes, assisted-living centers,
26 senior citizen housing complexes, or senior centers

1 oriented toward daytime activities, or within 500 ~~1,000~~
2 feet of the real property comprising any of the following
3 places, buildings, or structures used primarily for
4 housing or providing space for activities for senior
5 citizens: nursing homes, assisted-living centers, senior
6 citizen housing complexes, or senior centers oriented
7 toward daytime activities and at the time of the violation
8 persons are present or reasonably expected to be present in
9 the church, synagogue, or other building, structure, or
10 place used primarily for religious worship during worship
11 services, or in buildings or structures used primarily for
12 housing or providing space for activities for senior
13 citizens: nursing homes, assisted-living centers, senior
14 citizen housing complexes, or senior centers oriented
15 toward daytime activities during the hours those places,
16 buildings, or structures are open for those activities, or
17 on the real property is guilty of a Class 2 felony, the
18 fine for which shall not exceed \$200,000;

19 (4) subsection (f) of Section 401 in any school, on or
20 within 500 feet of the real property comprising any school,
21 or in any conveyance owned, leased or contracted by a
22 school to transport students to or from school or a school
23 related activity, and at the time of the violation persons
24 under the age of 18 are present, the offense is committed
25 during school hours, or the offense is committed at times
26 when persons under the age of 18 are reasonably expected to

1 be present in the school, in the conveyance, or on the real
2 property, such as when after-school activities are
3 occurring ~~or residential property owned, operated or~~
4 ~~managed by a public housing agency or leased by a public~~
5 ~~housing agency as part of a scattered site or mixed income~~
6 ~~development, or in any public park or, on or within 500~~
7 feet of the real property comprising any ~~school or~~
8 ~~residential property owned, operated or managed by a public~~
9 ~~housing agency or leased by a public housing agency as part~~
10 ~~of a scattered site or mixed income development, or public~~
11 ~~park or within 1,000 feet of the real property comprising~~
12 ~~any school or residential property owned, operated or~~
13 ~~managed by a public housing agency or leased by a public~~
14 ~~housing agency as part of a scattered site or mixed income~~
15 ~~development, or public park,~~ on the real property
16 comprising any church, synagogue, or other building,
17 structure, or place used primarily for religious worship,
18 or within 500 ~~1,000~~ feet of the real property comprising
19 any church, synagogue, or other building, structure, or
20 place used primarily for religious worship, on the real
21 property comprising any of the following places,
22 buildings, or structures used primarily for housing or
23 providing space for activities for senior citizens:
24 nursing homes, assisted-living centers, senior citizen
25 housing complexes, or senior centers oriented toward
26 daytime activities, or within 500 ~~1,000~~ feet of the real

1 property comprising any of the following places,
2 buildings, or structures used primarily for housing or
3 providing space for activities for senior citizens:
4 nursing homes, assisted-living centers, senior citizen
5 housing complexes, or senior centers oriented toward
6 daytime activities and at the time of the violation persons
7 are present or reasonably expected to be present in the
8 church, synagogue, or other building, structure, or place
9 used primarily for religious worship during worship
10 services, or in buildings or structures used primarily for
11 housing or providing space for activities for senior
12 citizens: nursing homes, assisted-living centers, senior
13 citizen housing complexes, or senior centers oriented
14 toward daytime activities during the hours those places,
15 buildings, or structures are open for those activities, or
16 on the real property is guilty of a Class 2 felony, the
17 fine for which shall not exceed \$150,000;

18 (5) subsection (g) of Section 401 in any school, on or
19 within 500 feet of the real property comprising any school,
20 or in any conveyance owned, leased or contracted by a
21 school to transport students to or from school or a school
22 related activity, and at the time of the violation persons
23 under the age of 18 are present, the offense is committed
24 during school hours, or the offense is committed at times
25 when persons under the age of 18 are reasonably expected to
26 be present in the school, in the conveyance, or on the real

1 property, such as when after-school activities are
2 occurring ~~or residential property owned, operated or~~
3 ~~managed by a public housing agency or leased by a public~~
4 ~~housing agency as part of a scattered site or mixed income~~
5 ~~development, or in any public park~~ or, on or within 500
6 feet of the real property comprising any ~~school or~~
7 ~~residential property owned, operated or managed by a public~~
8 ~~housing agency or leased by a public housing agency as part~~
9 ~~of a scattered site or mixed income development, or public~~
10 ~~park or within 1,000 feet of the real property comprising~~
11 ~~any school or residential property owned, operated or~~
12 ~~managed by a public housing agency or leased by a public~~
13 ~~housing agency as part of a scattered site or mixed income~~
14 ~~development, or public park,~~ on the real property
15 comprising any church, synagogue, or other building,
16 structure, or place used primarily for religious worship,
17 or within 500 ~~1,000~~ feet of the real property comprising
18 any church, synagogue, or other building, structure, or
19 place used primarily for religious worship, on the real
20 property comprising any of the following places,
21 buildings, or structures used primarily for housing or
22 providing space for activities for senior citizens:
23 nursing homes, assisted-living centers, senior citizen
24 housing complexes, or senior centers oriented toward
25 daytime activities, or within 500 ~~1,000~~ feet of the real
26 property comprising any of the following places,

1 buildings, or structures used primarily for housing or
2 providing space for activities for senior citizens:
3 nursing homes, assisted-living centers, senior citizen
4 housing complexes, or senior centers oriented toward
5 daytime activities and at the time of the violation persons
6 are present or reasonably expected to be present in the
7 church, synagogue, or other building, structure, or place
8 used primarily for religious worship during worship
9 services, or in buildings or structures used primarily for
10 housing or providing space for activities for senior
11 citizens: nursing homes, assisted-living centers, senior
12 citizen housing complexes, or senior centers oriented
13 toward daytime activities during the hours those places,
14 buildings, or structures are open for those activities, or
15 on the real property is guilty of a Class 2 felony, the
16 fine for which shall not exceed \$125,000;

17 (6) subsection (h) of Section 401 in any school, on or
18 within 500 feet of the real property comprising any school,
19 or in any conveyance owned, leased or contracted by a
20 school to transport students to or from school or a school
21 related activity, and at the time of the violation persons
22 under the age of 18 are present, the offense is committed
23 during school hours, or the offense is committed at times
24 when persons under the age of 18 are reasonably expected to
25 be present in the school, in the conveyance, or on the real
26 property, such as when after-school activities are

1 ~~occurring or residential property owned, operated or~~
2 ~~managed by a public housing agency or leased by a public~~
3 ~~housing agency as part of a scattered site or mixed income~~
4 ~~development, or in any public park or, on or within 500~~
5 ~~feet of the real property comprising any school or~~
6 ~~residential property owned, operated or managed by a public~~
7 ~~housing agency or leased by a public housing agency as part~~
8 ~~of a scattered site or mixed income development, or public~~
9 ~~park or within 1,000 feet of the real property comprising~~
10 ~~any school or residential property owned, operated or~~
11 ~~managed by a public housing agency or leased by a public~~
12 ~~housing agency as part of a scattered site or mixed income~~
13 ~~development, or public park, on the real property~~
14 comprising any church, synagogue, or other building,
15 structure, or place used primarily for religious worship,
16 or within 500 ~~1,000~~ feet of the real property comprising
17 any church, synagogue, or other building, structure, or
18 place used primarily for religious worship, on the real
19 property comprising any of the following places,
20 buildings, or structures used primarily for housing or
21 providing space for activities for senior citizens:
22 nursing homes, assisted-living centers, senior citizen
23 housing complexes, or senior centers oriented toward
24 daytime activities, or within 500 ~~1,000~~ feet of the real
25 property comprising any of the following places,
26 buildings, or structures used primarily for housing or

1 providing space for activities for senior citizens:
2 nursing homes, assisted-living centers, senior citizen
3 housing complexes, or senior centers oriented toward
4 daytime activities and at the time of the violation persons
5 are present or reasonably expected to be present in the
6 church, synagogue, or other building, structure, or place
7 used primarily for religious worship during worship
8 services, or in buildings or structures used primarily for
9 housing or providing space for activities for senior
10 citizens: nursing homes, assisted-living centers, senior
11 citizen housing complexes, or senior centers oriented
12 toward daytime activities during the hours those places,
13 buildings, or structures are open for those activities, or
14 on the real property is guilty of a Class 2 felony, the
15 fine for which shall not exceed \$100,000.

16 (c) Regarding penalties prescribed in subsection (b) for
17 violations committed in a school or on or within 500 ~~1,000~~ feet
18 of school property, the time of day and,~~7~~ time of year ~~and~~
19 ~~whether classes were currently in session~~ at the time of the
20 offense is irrelevant.

21 (Source: P.A. 93-223, eff. 1-1-04; 94-556, eff. 9-11-05.)

22 (720 ILCS 570/410) (from Ch. 56 1/2, par. 1410)

23 Sec. 410. (a) Whenever any person who has not previously
24 been convicted of, ~~or placed on probation or court supervision~~
25 ~~for~~ any felony offense under this Act or any law of the United

1 States or of any State relating to cannabis or controlled
2 substances, pleads guilty to or is found guilty of possession
3 of a controlled or counterfeit substance under subsection (c)
4 of Section 402 or of unauthorized possession of prescription
5 form under Section 406.2, the court, without entering a
6 judgment and with the consent of such person, may sentence him
7 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 jurisdiction; (2)
15 refrain from possessing a firearm or other dangerous weapon;
16 (3) submit to periodic drug testing at a time and in a manner
17 as ordered by the court, but no less than 3 times during the
18 period of the probation, with the cost of the testing to be
19 paid by the probationer; and (4) perform no less than 30 hours
20 of community service, provided community service is available
21 in the jurisdiction and is funded and approved by the county
22 board.

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

25 (1) make a report to and appear in person before or
26 participate with the court or such courts, person, or

1 social service agency as directed by the court in the order
2 of probation;

3 (2) pay a fine and costs;

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

6 (4) undergo medical or psychiatric treatment; or
7 treatment or rehabilitation approved by the Illinois
8 Department of Human Services;

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

11 (6) support his or her dependents;

12 (6-5) refrain from having in his or her body the
13 presence of any illicit drug prohibited by the Cannabis
14 Control Act, the Illinois Controlled Substances Act, or the
15 Methamphetamine Control and Community Protection Act,
16 unless prescribed by a physician, and submit samples of his
17 or her blood or urine or both for tests to determine the
18 presence of any illicit drug;

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

20 (i) reside with his or her parents or in a foster
21 home;

22 (ii) attend school;

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

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

26 (e) Upon violation of a term or condition of probation, the

1 court may enter a judgment on its original finding of guilt and
2 proceed as otherwise provided.

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

6 (g) A disposition of probation is considered to be a
7 conviction for the purposes of imposing the conditions of
8 probation and for appeal, however, discharge and dismissal
9 under this Section is not a conviction for purposes of this Act
10 or for purposes of disqualifications or disabilities imposed by
11 law upon conviction of a crime.

12 (h) A person may not have more than ~~There may be only one~~
13 discharge and dismissal under this Section within a 4-year
14 period, ~~Section 10 of the Cannabis Control Act, Section 70 of~~
15 ~~the Methamphetamine Control and Community Protection Act,~~
16 ~~Section 5-6-3.3 or 5-6-3.4 of the Unified Code of Corrections,~~
17 ~~or subsection (c) of Section 11-14 of the Criminal Code of 1961~~
18 ~~or the Criminal Code of 2012 with respect to any person.~~

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

26 (j) Notwithstanding subsection (a), before a person is

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

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

15 Section 30. The Methamphetamine Control and Community
16 Protection Act is amended by changing Sections 15, 55, and 70
17 as follows:

18 (720 ILCS 646/15)

19 Sec. 15. Participation in methamphetamine manufacturing.

20 (a) Participation in methamphetamine manufacturing.

21 (1) It is unlawful to knowingly participate in the
22 manufacture of methamphetamine with the intent that
23 methamphetamine or a substance containing methamphetamine
24 be produced.

1 (2) A person who violates paragraph (1) of this
2 subsection (a) is subject to the following penalties:

3 (A) A person who participates in the manufacture of
4 less than 15 grams of methamphetamine or a substance
5 containing methamphetamine is guilty of a Class 1
6 felony.

7 (B) A person who participates in the manufacture of
8 15 or more grams but less than 100 grams of
9 methamphetamine or a substance containing
10 methamphetamine is guilty of a Class X felony, subject
11 to a term of imprisonment of not less than 6 years and
12 not more than 30 years, and subject to a fine not to
13 exceed \$100,000 or the street value of the
14 methamphetamine manufactured, whichever is greater.

15 (C) A person who participates in the manufacture of
16 100 or more grams but less than 400 grams of
17 methamphetamine or a substance containing
18 methamphetamine is guilty of a Class X felony, subject
19 to a term of imprisonment of not less than 9 years and
20 not more than 40 years, and subject to a fine not to
21 exceed \$200,000 or the street value of the
22 methamphetamine manufactured, whichever is greater.

23 (D) A person who participates in the manufacture of
24 400 or more grams but less than 900 grams of
25 methamphetamine or a substance containing
26 methamphetamine is guilty of a Class X felony, subject

1 to a term of imprisonment of not less than 12 years and
2 not more than 50 years, and subject to a fine not to
3 exceed \$300,000 or the street value of the
4 methamphetamine manufactured, whichever is greater.

5 (E) A person who participates in the manufacture of
6 900 grams or more of methamphetamine or a substance
7 containing methamphetamine is guilty of a Class X
8 felony, subject to a term of imprisonment of not less
9 than 15 years and not more than 60 years, and subject
10 to a fine not to exceed \$400,000 or the street value of
11 the methamphetamine, whichever is greater.

12 (b) Aggravated participation in methamphetamine
13 manufacturing.

14 (1) It is unlawful to engage in aggravated
15 participation in the manufacture of methamphetamine. A
16 person engages in aggravated participation in the
17 manufacture of methamphetamine when the person violates
18 paragraph (1) of subsection (a) and:

19 (A) the person knowingly does so in a multi-unit
20 dwelling;

21 (B) the person knowingly does so in a structure or
22 vehicle where a child under the age of 18, a person
23 with a disability, or a person 60 years of age or older
24 who is incapable of adequately providing for his or her
25 own health and personal care resides, is present, or is
26 endangered by the manufacture of methamphetamine;

1 (C) the person does so in a structure or vehicle
2 where a woman the person knows to be pregnant
3 (including but not limited to the person herself)
4 resides, is present, or is endangered by the
5 methamphetamine manufacture;

6 (D) the person knowingly does so in a structure or
7 vehicle protected by one or more firearms, explosive
8 devices, booby traps, alarm systems, surveillance
9 systems, guard dogs, or dangerous animals;

10 (E) the methamphetamine manufacturing in which the
11 person participates is a contributing cause of the
12 death, serious bodily injury, disability, or
13 disfigurement of another person, including but not
14 limited to an emergency service provider;

15 (F) the methamphetamine manufacturing in which the
16 person participates is a contributing cause of a fire
17 or explosion that damages property belonging to
18 another person;

19 (G) the person knowingly organizes, directs, or
20 finances the methamphetamine manufacturing or
21 activities carried out in support of the
22 methamphetamine manufacturing; or

23 (H) the methamphetamine manufacturing occurs
24 within 500 ~~1,000~~ feet of a place of worship or
25 parsonage, or within 500 ~~1,000~~ feet of the real
26 property comprising any school at a time when children,

1 clergy, patrons, staff, or other persons are present or
2 any activity sanctioned by the place of worship or
3 parsonage or school is taking place.

4 (2) A person who violates paragraph (1) of this
5 subsection (b) is subject to the following penalties:

6 (A) A person who participates in the manufacture of
7 less than 15 grams of methamphetamine or a substance
8 containing methamphetamine is guilty of a Class X
9 felony, subject to a term of imprisonment of not less
10 than 6 years and not more than 30 years, and subject to
11 a fine not to exceed \$100,000 or the street value of
12 the methamphetamine, whichever is greater.

13 (B) A person who participates in the manufacture of
14 15 or more grams but less than 100 grams of
15 methamphetamine or a substance containing
16 methamphetamine is guilty of a Class X felony, subject
17 to a term of imprisonment of not less than 9 years and
18 not more than 40 years, and subject to a fine not to
19 exceed \$200,000 or the street value of the
20 methamphetamine, whichever is greater.

21 (C) A person who participates in the manufacture of
22 100 or more grams but less than 400 grams of
23 methamphetamine or a substance containing
24 methamphetamine is guilty of a Class X felony, subject
25 to a term of imprisonment of not less than 12 years and
26 not more than 50 years, and subject to a fine not to

1 exceed \$300,000 or the street value of the
2 methamphetamine, whichever is greater.

3 (D) A person who participates in the manufacture of
4 400 grams or more of methamphetamine or a substance
5 containing methamphetamine is guilty of a Class X
6 felony, subject to a term of imprisonment of not less
7 than 15 years and not more than 60 years, and subject
8 to a fine not to exceed \$400,000 or the street value of
9 the methamphetamine, whichever is greater.

10 (Source: P.A. 98-980, eff. 1-1-15.)

11 (720 ILCS 646/55)

12 Sec. 55. Methamphetamine delivery.

13 (a) Delivery or possession with intent to deliver
14 methamphetamine or a substance containing methamphetamine.

15 (1) It is unlawful knowingly to engage in the delivery
16 or possession with intent to deliver methamphetamine or a
17 substance containing methamphetamine.

18 (2) A person who violates paragraph (1) of this
19 subsection (a) is subject to the following penalties:

20 (A) A person who delivers or possesses with intent
21 to deliver less than 5 grams of methamphetamine or a
22 substance containing methamphetamine is guilty of a
23 Class 2 felony.

24 (B) A person who delivers or possesses with intent
25 to deliver 5 or more grams but less than 15 grams of

1 methamphetamine or a substance containing
2 methamphetamine is guilty of a Class 1 felony.

3 (C) A person who delivers or possesses with intent
4 to deliver 15 or more grams but less than 100 grams of
5 methamphetamine or a substance containing
6 methamphetamine is guilty of a Class X felony, subject
7 to a term of imprisonment of not less than 6 years and
8 not more than 30 years, and subject to a fine not to
9 exceed \$100,000 or the street value of the
10 methamphetamine, whichever is greater.

11 (D) A person who delivers or possesses with intent
12 to deliver 100 or more grams but less than 400 grams of
13 methamphetamine or a substance containing
14 methamphetamine is guilty of a Class X felony, subject
15 to a term of imprisonment of not less than 9 years and
16 not more than 40 years, and subject to a fine not to
17 exceed \$200,000 or the street value of the
18 methamphetamine, whichever is greater.

19 (E) A person who delivers or possesses with intent
20 to deliver 400 or more grams but less than 900 grams of
21 methamphetamine or a substance containing
22 methamphetamine is guilty of a Class X felony, subject
23 to a term of imprisonment of not less than 12 years and
24 not more than 50 years, and subject to a fine not to
25 exceed \$300,000 or the street value of the
26 methamphetamine, whichever is greater.

1 (F) A person who delivers or possesses with intent
2 to deliver 900 or more grams of methamphetamine or a
3 substance containing methamphetamine is guilty of a
4 Class X felony, subject to a term of imprisonment of
5 not less than 15 years and not more than 60 years, and
6 subject to a fine not to exceed \$400,000 or the street
7 value of the methamphetamine, whichever is greater.

8 (b) Aggravated delivery or possession with intent to
9 deliver methamphetamine or a substance containing
10 methamphetamine.

11 (1) It is unlawful to engage in the aggravated delivery
12 or possession with intent to deliver methamphetamine or a
13 substance containing methamphetamine. A person engages in
14 the aggravated delivery or possession with intent to
15 deliver methamphetamine or a substance containing
16 methamphetamine when the person violates paragraph (1) of
17 subsection (a) of this Section and:

18 (A) the person is at least 18 years of age and
19 knowingly delivers or possesses with intent to deliver
20 the methamphetamine or substance containing
21 methamphetamine to a person under 18 years of age;

22 (B) the person is at least 18 years of age and
23 knowingly uses, engages, employs, or causes another
24 person to use, engage, or employ a person under 18
25 years of age to deliver the methamphetamine or
26 substance containing methamphetamine;

1 (C) the person knowingly delivers or possesses
2 with intent to deliver the methamphetamine or
3 substance containing methamphetamine in any structure
4 or vehicle protected by one or more firearms, explosive
5 devices, booby traps, alarm systems, surveillance
6 systems, guard dogs, or dangerous animals;

7 (D) the person knowingly delivers or possesses
8 with intent to deliver the methamphetamine or
9 substance containing methamphetamine in any school, on
10 any real property comprising any school, or in any
11 conveyance owned, leased, or contracted by a school to
12 transport students to or from school or a
13 school-related activity and at the time of the
14 violation persons under the age of 18 are present, the
15 offense is committed during school hours, or the
16 offense is committed at times when persons under the
17 age of 18 are reasonably expected to be present in the
18 school, in the conveyance, or on the real property,
19 such as when after-school activities are occurring;

20 (E) the person delivers or causes another person to
21 deliver the methamphetamine or substance containing
22 methamphetamine to a woman that the person knows to be
23 pregnant; or

24 (F) (blank).

25 (2) A person who violates paragraph (1) of this
26 subsection (b) is subject to the following penalties:

1 (A) A person who delivers or possesses with intent
2 to deliver less than 5 grams of methamphetamine or a
3 substance containing methamphetamine is guilty of a
4 Class 1 felony.

5 (B) A person who delivers or possesses with intent
6 to deliver 5 or more grams but less than 15 grams of
7 methamphetamine or a substance containing
8 methamphetamine is guilty of a Class X felony, subject
9 to a term of imprisonment of not less than 6 years and
10 not more than 30 years, and subject to a fine not to
11 exceed \$100,000 or the street value of the
12 methamphetamine, whichever is greater.

13 (C) A person who delivers or possesses with intent
14 to deliver 15 or more grams but less than 100 grams of
15 methamphetamine or a substance containing
16 methamphetamine is guilty of a Class X felony, subject
17 to a term of imprisonment of not less than 8 years and
18 not more than 40 years, and subject to a fine not to
19 exceed \$200,000 or the street value of the
20 methamphetamine, whichever is greater.

21 (D) A person who delivers or possesses with intent
22 to deliver 100 or more grams of methamphetamine or a
23 substance containing methamphetamine is guilty of a
24 Class X felony, subject to a term of imprisonment of
25 not less than 10 years and not more than 50 years, and
26 subject to a fine not to exceed \$300,000 or the street

1 value of the methamphetamine, whichever is greater.

2 (Source: P.A. 94-556, eff. 9-11-05; 94-830, eff. 6-5-06.)

3 (720 ILCS 646/70)

4 Sec. 70. Probation.

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

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

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

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

23 (2) refrain from possessing a firearm or other
24 dangerous weapon;

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

1 manner as ordered by the court, but no less than 3 times
2 during the period of the probation, with the cost of the
3 testing to be paid by the probationer; and

4 (4) perform no less than 30 hours of community service,
5 if community service is available in the jurisdiction and
6 is funded and approved by the county board.

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

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

13 (2) pay a fine and costs;

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

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

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

21 (6) support his or her dependents;

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

1 presence of any illicit drug; or

2 (8) if a minor:

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

5 (ii) attend school;

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

7 or

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

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

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

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

22 (h) A person may not have more than ~~There may be only~~ one
23 discharge and dismissal under this Section within a 4-year
24 period, ~~Section 410 of the Illinois Controlled Substances Act,~~
25 ~~Section 10 of the Cannabis Control Act, Section 5-6-3.3 or~~
26 ~~5-6-3.4 of the Unified Code of Corrections, or subsection (e)~~

1 ~~of Section 11-14 of the Criminal Code of 1961 or the Criminal~~
2 ~~Code of 2012 with respect to any person.~~

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

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

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

24 Section 35. The Unified Code of Corrections is amended by
25 changing Sections 3-3-8, 3-6-3, 5-4-1, 5-4.5-25, 5-4.5-30,

1 5-4.5-35, 5-4.5-95, 5-6-3.3, 5-6-3.4, 5-8-1, and 5-8-8 and by
2 adding Section 5-4.5-110 as follows:

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

4 Sec. 3-3-8. Length of parole and mandatory supervised
5 release; discharge.

6 (a) The length of parole for a person sentenced under the
7 law in effect prior to the effective date of this amendatory
8 Act of 1977 and the length of mandatory supervised release for
9 those sentenced under the law in effect on and after such
10 effective date shall be as set out in Section 5-8-1 unless
11 sooner terminated under paragraph (b) of this Section.

12 (b) The Prisoner Review Board may enter an order releasing
13 and discharging one from parole or mandatory supervised
14 release, and his or her commitment to the Department, when it
15 determines that he or she is likely to remain at liberty
16 without committing another offense.

17 (b-1) Provided that the subject is in compliance with the
18 terms and conditions of his or her parole or mandatory
19 supervised release, the Prisoner Review Board may reduce the
20 period of a parolee or releasee's parole or mandatory
21 supervised release by 90 days upon the parolee or releasee
22 receiving a high school diploma or upon passage of high school
23 equivalency testing during the period of his or her parole or
24 mandatory supervised release. This reduction in the period of a
25 subject's term of parole or mandatory supervised release shall

1 be available only to subjects who have not previously earned a
2 high school diploma or who have not previously passed high
3 school equivalency testing.

4 (b-2) The Prisoner Review Board shall release a low-risk
5 and need subject person from mandatory supervised release as
6 determined by an appropriate evidence-based risk and need
7 assessment.

8 (c) The order of discharge shall become effective upon
9 entry of the order of the Board. The Board shall notify the
10 clerk of the committing court of the order. Upon receipt of
11 such copy, the clerk shall make an entry on the record judgment
12 that the sentence or commitment has been satisfied pursuant to
13 the order.

14 (d) Rights of the person discharged under this Section
15 shall be restored under Section 5-5-5.

16 (Source: P.A. 98-558, eff. 1-1-14; 98-718, eff. 1-1-15; 99-268,
17 eff. 1-1-16; 99-628, eff. 1-1-17.)

18 (730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)

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

20 (a) (1) The Department of Corrections shall prescribe rules
21 and regulations for awarding and revoking sentence credit for
22 persons committed to the Department which shall be subject to
23 review by the Prisoner Review Board.

24 (1.5) As otherwise provided by law, sentence credit may be
25 awarded for the following:

1 (A) successful completion of programming while in
2 custody of the Department or while in custody prior to
3 sentencing;

4 (B) compliance with the rules and regulations of the
5 Department; or

6 (C) service to the institution, service to a community,
7 or service to the State.

8 (2) Except as provided in paragraph (4.7) of this
9 subsection (a), the ~~The~~ rules and regulations on sentence
10 credit shall provide, with respect to offenses listed in clause
11 (i), (ii), or (iii) of this paragraph (2) committed on or after
12 June 19, 1998 or with respect to the offense listed in clause
13 (iv) of this paragraph (2) committed on or after June 23, 2005
14 (the effective date of Public Act 94-71) or with respect to
15 offense listed in clause (vi) committed on or after June 1,
16 2008 (the effective date of Public Act 95-625) or with respect
17 to the offense of being an armed habitual criminal committed on
18 or after August 2, 2005 (the effective date of Public Act
19 94-398) or with respect to the offenses listed in clause (v) of
20 this paragraph (2) committed on or after August 13, 2007 (the
21 effective date of Public Act 95-134) or with respect to the
22 offense of aggravated domestic battery committed on or after
23 July 23, 2010 (the effective date of Public Act 96-1224) or
24 with respect to the offense of attempt to commit terrorism
25 committed on or after January 1, 2013 (the effective date of
26 Public Act 97-990), the following:

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

5 (ii) that a prisoner serving a sentence for attempt to
6 commit terrorism, attempt to commit first degree murder,
7 solicitation of murder, solicitation of murder for hire,
8 intentional homicide of an unborn child, predatory
9 criminal sexual assault of a child, aggravated criminal
10 sexual assault, criminal sexual assault, aggravated
11 kidnapping, aggravated battery with a firearm as described
12 in Section 12-4.2 or subdivision (e) (1), (e) (2), (e) (3), or
13 (e) (4) of Section 12-3.05, heinous battery as described in
14 Section 12-4.1 or subdivision (a) (2) of Section 12-3.05,
15 being an armed habitual criminal, aggravated battery of a
16 senior citizen as described in Section 12-4.6 or
17 subdivision (a) (4) of Section 12-3.05, or aggravated
18 battery of a child as described in Section 12-4.3 or
19 subdivision (b) (1) of Section 12-3.05 shall receive no more
20 than 4.5 days of sentence credit for each month of his or
21 her sentence of imprisonment;

22 (iii) that a prisoner serving a sentence for home
23 invasion, armed robbery, aggravated vehicular hijacking,
24 aggravated discharge of a firearm, or armed violence with a
25 category I weapon or category II weapon, when the court has
26 made and entered a finding, pursuant to subsection (c-1) of

1 Section 5-4-1 of this Code, that the conduct leading to
2 conviction for the enumerated offense resulted in great
3 bodily harm to a victim, shall receive no more than 4.5
4 days of sentence credit for each month of his or her
5 sentence of imprisonment;

6 (iv) that a prisoner serving a sentence for aggravated
7 discharge of a firearm, whether or not the conduct leading
8 to conviction for the offense resulted in great bodily harm
9 to the victim, shall receive no more than 4.5 days of
10 sentence credit for each month of his or her sentence of
11 imprisonment;

12 (v) that a person serving a sentence for gunrunning,
13 narcotics racketeering, controlled substance trafficking,
14 methamphetamine trafficking, drug-induced homicide,
15 aggravated methamphetamine-related child endangerment,
16 money laundering pursuant to clause (c) (4) or (5) of
17 Section 29B-1 of the Criminal Code of 1961 or the Criminal
18 Code of 2012, or a Class X felony conviction for delivery
19 of a controlled substance, possession of a controlled
20 substance with intent to manufacture or deliver,
21 calculated criminal drug conspiracy, criminal drug
22 conspiracy, street gang criminal drug conspiracy,
23 participation in methamphetamine manufacturing, aggravated
24 participation in methamphetamine manufacturing, delivery
25 of methamphetamine, possession with intent to deliver
26 methamphetamine, aggravated delivery of methamphetamine,

1 aggravated possession with intent to deliver
2 methamphetamine, methamphetamine conspiracy when the
3 substance containing the controlled substance or
4 methamphetamine is 100 grams or more shall receive no more
5 than 7.5 days sentence credit for each month of his or her
6 sentence of imprisonment;

7 (vi) that a prisoner serving a sentence for a second or
8 subsequent offense of luring a minor shall receive no more
9 than 4.5 days of sentence credit for each month of his or
10 her sentence of imprisonment; and

11 (vii) that a prisoner serving a sentence for aggravated
12 domestic battery shall receive no more than 4.5 days of
13 sentence credit for each month of his or her sentence of
14 imprisonment.

15 (2.1) For all offenses, other than those enumerated in
16 subdivision (a)(2)(i), (ii), or (iii) committed on or after
17 June 19, 1998 or subdivision (a)(2)(iv) committed on or after
18 June 23, 2005 (the effective date of Public Act 94-71) or
19 subdivision (a)(2)(v) committed on or after August 13, 2007
20 (the effective date of Public Act 95-134) or subdivision
21 (a)(2)(vi) committed on or after June 1, 2008 (the effective
22 date of Public Act 95-625) or subdivision (a)(2)(vii) committed
23 on or after July 23, 2010 (the effective date of Public Act
24 96-1224), and other than the offense of aggravated driving
25 under the influence of alcohol, other drug or drugs, or
26 intoxicating compound or compounds, or any combination thereof

1 as defined in subparagraph (F) of paragraph (1) of subsection
2 (d) of Section 11-501 of the Illinois Vehicle Code, and other
3 than the offense of aggravated driving under the influence of
4 alcohol, other drug or drugs, or intoxicating compound or
5 compounds, or any combination thereof as defined in
6 subparagraph (C) of paragraph (1) of subsection (d) of Section
7 11-501 of the Illinois Vehicle Code committed on or after
8 January 1, 2011 (the effective date of Public Act 96-1230), the
9 rules and regulations shall provide that a prisoner who is
10 serving a term of imprisonment shall receive one day of
11 sentence credit for each day of his or her sentence of
12 imprisonment or recommitment under Section 3-3-9. Each day of
13 sentence credit shall reduce by one day the prisoner's period
14 of imprisonment or recommitment under Section 3-3-9.

15 (2.2) A prisoner serving a term of natural life
16 imprisonment or a prisoner who has been sentenced to death
17 shall receive no sentence credit.

18 (2.3) Except as provided in paragraph (4.7) of this
19 subsection (a), the ~~The~~ rules and regulations on sentence
20 credit shall provide that a prisoner who is serving a sentence
21 for aggravated driving under the influence of alcohol, other
22 drug or drugs, or intoxicating compound or compounds, or any
23 combination thereof as defined in subparagraph (F) of paragraph
24 (1) of subsection (d) of Section 11-501 of the Illinois Vehicle
25 Code, shall receive no more than 4.5 days of sentence credit
26 for each month of his or her sentence of imprisonment.

1 (2.4) Except as provided in paragraph (4.7) of this
2 subsection (a), the ~~The~~ rules and regulations on sentence
3 credit shall provide with respect to the offenses of aggravated
4 battery with a machine gun or a firearm equipped with any
5 device or attachment designed or used for silencing the report
6 of a firearm or aggravated discharge of a machine gun or a
7 firearm equipped with any device or attachment designed or used
8 for silencing the report of a firearm, committed on or after
9 July 15, 1999 (the effective date of Public Act 91-121), that a
10 prisoner serving a sentence for any of these offenses shall
11 receive no more than 4.5 days of sentence credit for each month
12 of his or her sentence of imprisonment.

13 (2.5) Except as provided in paragraph (4.7) of this
14 subsection (a), the ~~The~~ rules and regulations on sentence
15 credit shall provide that a prisoner who is serving a sentence
16 for aggravated arson committed on or after July 27, 2001 (the
17 effective date of Public Act 92-176) shall receive no more than
18 4.5 days of sentence credit for each month of his or her
19 sentence of imprisonment.

20 (2.6) Except as provided in paragraph (4.7) of this
21 subsection (a), the ~~The~~ rules and regulations on sentence
22 credit shall provide that a prisoner who is serving a sentence
23 for aggravated driving under the influence of alcohol, other
24 drug or drugs, or intoxicating compound or compounds or any
25 combination thereof as defined in subparagraph (C) of paragraph
26 (1) of subsection (d) of Section 11-501 of the Illinois Vehicle

1 Code committed on or after January 1, 2011 (the effective date
2 of Public Act 96-1230) shall receive no more than 4.5 days of
3 sentence credit for each month of his or her sentence of
4 imprisonment.

5 (3) Except as provided in paragraph (4.7) of this
6 subsection (a), the ~~The~~ rules and regulations shall also
7 provide that the Director may award up to 180 days additional
8 sentence credit for good conduct in specific instances as the
9 Director deems proper. The good conduct may include, but is not
10 limited to, compliance with the rules and regulations of the
11 Department, service to the Department, service to a community,
12 or service to the State. ~~However, the Director shall not award~~
13 ~~more than 90 days of sentence credit for good conduct to any~~
14 ~~prisoner who is serving a sentence for conviction of first~~
15 ~~degree murder, reckless homicide while under the influence of~~
16 ~~alcohol or any other drug, or aggravated driving under the~~
17 ~~influence of alcohol, other drug or drugs, or intoxicating~~
18 ~~compound or compounds, or any combination thereof as defined in~~
19 ~~subparagraph (F) of paragraph (1) of subsection (d) of Section~~
20 ~~11-501 of the Illinois Vehicle Code, aggravated kidnapping,~~
21 ~~kidnapping, predatory criminal sexual assault of a child,~~
22 ~~aggravated criminal sexual assault, criminal sexual assault,~~
23 ~~deviate sexual assault, aggravated criminal sexual abuse,~~
24 ~~aggravated indecent liberties with a child, indecent liberties~~
25 ~~with a child, child pornography, heinous battery as described~~
26 ~~in Section 12-4.1 or subdivision (a) (2) of Section 12-3.05,~~

1 ~~aggravated battery of a spouse, aggravated battery of a spouse~~
2 ~~with a firearm, stalking, aggravated stalking, aggravated~~
3 ~~battery of a child as described in Section 12-4.3 or~~
4 ~~subdivision (b) (1) of Section 12-3.05, endangering the life or~~
5 ~~health of a child, or cruelty to a child. Notwithstanding the~~
6 ~~foregoing, sentence credit for good conduct shall not be~~
7 ~~awarded on a sentence of imprisonment imposed for conviction~~
8 ~~of: (i) one of the offenses enumerated in subdivision~~
9 ~~(a) (2) (i), (ii), or (iii) when the offense is committed on or~~
10 ~~after June 19, 1998 or subdivision (a) (2) (iv) when the offense~~
11 ~~is committed on or after June 23, 2005 (the effective date of~~
12 ~~Public Act 94-71) or subdivision (a) (2) (v) when the offense is~~
13 ~~committed on or after August 13, 2007 (the effective date of~~
14 ~~Public Act 95-134) or subdivision (a) (2) (vi) when the offense~~
15 ~~is committed on or after June 1, 2008 (the effective date of~~
16 ~~Public Act 95-625) or subdivision (a) (2) (vii) when the offense~~
17 ~~is committed on or after July 23, 2010 (the effective date of~~
18 ~~Public Act 96-1224), (ii) aggravated driving under the~~
19 ~~influence of alcohol, other drug or drugs, or intoxicating~~
20 ~~compound or compounds, or any combination thereof as defined in~~
21 ~~subparagraph (F) of paragraph (1) of subsection (d) of Section~~
22 ~~11-501 of the Illinois Vehicle Code, (iii) one of the offenses~~
23 ~~enumerated in subdivision (a) (2.4) when the offense is~~
24 ~~committed on or after July 15, 1999 (the effective date of~~
25 ~~Public Act 91-121), (iv) aggravated arson when the offense is~~
26 ~~committed on or after July 27, 2001 (the effective date of~~

1 ~~Public Act 92-176), (v) offenses that may subject the offender~~
2 ~~to commitment under the Sexually Violent Persons Commitment~~
3 ~~Act, or (vi) aggravated driving under the influence of alcohol,~~
4 ~~ether drug or drugs, or intoxicating compound or compounds or~~
5 ~~any combination thereof as defined in subparagraph (C) of~~
6 ~~paragraph (1) of subsection (d) of Section 11-501 of the~~
7 ~~Illinois Vehicle Code committed on or after January 1, 2011~~
8 ~~(the effective date of Public Act 96-1230).~~

9 Eligible inmates for an award of sentence credit under this
10 paragraph (3) may be selected to receive the credit at the
11 Director's or his or her designee's sole discretion.
12 Consideration may be based on, but not limited to, any
13 available risk assessment analysis on the inmate, any history
14 of conviction for violent crimes as defined by the Rights of
15 Crime Victims and Witnesses Act, facts and circumstances of the
16 inmate's holding offense or offenses, and the potential for
17 rehabilitation.

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

25 (A) is eligible for the sentence credit;

26 (B) has served a minimum of 60 days, or as close to 60

1 days as the sentence will allow; and

2 (C) has met the eligibility criteria established by
3 rule.

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

6 (3.5) The Department shall provide annual written reports
7 to the Governor and the General Assembly on the award of
8 sentence credit for good conduct, with the first report due
9 January 1, 2014. The Department must publish both reports on
10 its website within 48 hours of transmitting the reports to the
11 Governor and the General Assembly. The reports must include:

12 (A) the number of inmates awarded sentence credit for
13 good conduct;

14 (B) the average amount of sentence credit for good
15 conduct awarded;

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

18 (D) the number of sentence credit for good conduct
19 revocations.

20 (4) Except as provided in paragraph (4.7) of this
21 subsection (a), the ~~The~~ rules and regulations shall also
22 provide that the sentence credit accumulated and retained under
23 paragraph (2.1) of subsection (a) of this Section by any inmate
24 during specific periods of time in which such inmate is engaged
25 full-time in substance abuse programs, correctional industry
26 assignments, educational programs, behavior modification

1 programs, life skills courses, or re-entry planning provided by
2 the Department under this paragraph (4) and satisfactorily
3 completes the assigned program as determined by the standards
4 of the Department, shall be multiplied by a factor of 1.25 for
5 program participation before August 11, 1993 and 1.50 for
6 program participation on or after that date. The rules and
7 regulations shall also provide that sentence credit, subject to
8 the same offense limits and multiplier provided in this
9 paragraph, may be provided to an inmate who was held in
10 pre-trial detention prior to his or her current commitment to
11 the Department of Corrections and successfully completed a
12 full-time, 60-day or longer substance abuse program,
13 educational program, behavior modification program, life
14 skills course, or re-entry planning provided by the county
15 department of corrections or county jail. Calculation of this
16 county program credit shall be done at sentencing as provided
17 in Section 5-4.5-100 of this Code and shall be included in the
18 sentencing order. However, no inmate shall be eligible for the
19 additional sentence credit under this paragraph (4) or (4.1) of
20 this subsection (a) while assigned to a boot camp or electronic
21 ~~detention, or if convicted of an offense enumerated in~~
22 ~~subdivision (a)(2)(i), (ii), or (iii) of this Section that is~~
23 ~~committed on or after June 19, 1998 or subdivision (a)(2)(iv)~~
24 ~~of this Section that is committed on or after June 23, 2005~~
25 ~~(the effective date of Public Act 94-71) or subdivision~~
26 ~~(a)(2)(v) of this Section that is committed on or after August~~

1 ~~13, 2007 (the effective date of Public Act 95-134) or~~
2 ~~subdivision (a)(2)(vi) when the offense is committed on or~~
3 ~~after June 1, 2008 (the effective date of Public Act 95-625) or~~
4 ~~subdivision (a)(2)(vii) when the offense is committed on or~~
5 ~~after July 23, 2010 (the effective date of Public Act 96-1224),~~
6 ~~or if convicted of aggravated driving under the influence of~~
7 ~~alcohol, other drug or drugs, or intoxicating compound or~~
8 ~~compounds or any combination thereof as defined in subparagraph~~
9 ~~(F) of paragraph (1) of subsection (d) of Section 11-501 of the~~
10 ~~Illinois Vehicle Code, or if convicted of aggravated driving~~
11 ~~under the influence of alcohol, other drug or drugs, or~~
12 ~~intoxicating compound or compounds or any combination thereof~~
13 ~~as defined in subparagraph (C) of paragraph (1) of subsection~~
14 ~~(d) of Section 11-501 of the Illinois Vehicle Code committed on~~
15 ~~or after January 1, 2011 (the effective date of Public Act~~
16 ~~96-1230), or if convicted of an offense enumerated in paragraph~~
17 ~~(a)(2.4) of this Section that is committed on or after July 15,~~
18 ~~1999 (the effective date of Public Act 91-121), or first degree~~
19 ~~murder, a Class X felony, criminal sexual assault, felony~~
20 ~~eriminal sexual abuse, aggravated criminal sexual abuse,~~
21 ~~aggravated battery with a firearm as described in Section~~
22 ~~12-4.2 or subdivision (c)(1), (c)(2), (c)(3), or (c)(4) of~~
23 ~~Section 12-3.05, or any predecessor or successor offenses with~~
24 ~~the same or substantially the same elements, or any inchoate~~
25 ~~offenses relating to the foregoing offenses. No inmate shall be~~
26 eligible for the additional good conduct credit under this

1 paragraph (4) who (i) has previously received increased good
2 conduct credit under this paragraph (4) and has subsequently
3 been convicted of a felony, or (ii) has previously served more
4 than one prior sentence of imprisonment for a felony in an
5 adult correctional facility.

6 Educational, vocational, substance abuse, behavior
7 modification programs, life skills courses, re-entry planning,
8 and correctional industry programs under which sentence credit
9 may be increased under this paragraph (4) and paragraph (4.1)
10 of this subsection (a) shall be evaluated by the Department on
11 the basis of documented standards. The Department shall report
12 the results of these evaluations to the Governor and the
13 General Assembly by September 30th of each year. The reports
14 shall include data relating to the recidivism rate among
15 program participants.

16 Availability of these programs shall be subject to the
17 limits of fiscal resources appropriated by the General Assembly
18 for these purposes. Eligible inmates who are denied immediate
19 admission shall be placed on a waiting list under criteria
20 established by the Department. The inability of any inmate to
21 become engaged in any such programs by reason of insufficient
22 program resources or for any other reason established under the
23 rules and regulations of the Department shall not be deemed a
24 cause of action under which the Department or any employee or
25 agent of the Department shall be liable for damages to the
26 inmate.

1 (4.1) Except as provided in paragraph (4.7) of this
2 subsection (a), the ~~The~~ rules and regulations shall also
3 provide that an additional 90 days of sentence credit shall be
4 awarded to any prisoner who passes high school equivalency
5 testing while the prisoner is committed to the Department of
6 Corrections. The sentence credit awarded under this paragraph
7 (4.1) shall be in addition to, and shall not affect, the award
8 of sentence credit under any other paragraph of this Section,
9 but shall also be pursuant to the guidelines and restrictions
10 set forth in paragraph (4) of subsection (a) of this Section.
11 The sentence credit provided for in this paragraph shall be
12 available only to those prisoners who have not previously
13 earned a high school diploma or a high school equivalency
14 certificate. If, after an award of the high school equivalency
15 testing sentence credit has been made, the Department
16 determines that the prisoner was not eligible, then the award
17 shall be revoked. The Department may also award 90 days of
18 sentence credit to any committed person who passed high school
19 equivalency testing while he or she was held in pre-trial
20 detention prior to the current commitment to the Department of
21 Corrections.

22 (4.5) The rules and regulations on sentence credit shall
23 also provide that when the court's sentencing order recommends
24 a prisoner for substance abuse treatment and the crime was
25 committed on or after September 1, 2003 (the effective date of
26 Public Act 93-354), the prisoner shall receive no sentence

1 credit awarded under clause (3) of this subsection (a) unless
2 he or she participates in and completes a substance abuse
3 treatment program. The Director may waive the requirement to
4 participate in or complete a substance abuse treatment program
5 and award the sentence credit in specific instances if the
6 prisoner is not a good candidate for a substance abuse
7 treatment program for medical, programming, or operational
8 reasons. Availability of substance abuse treatment shall be
9 subject to the limits of fiscal resources appropriated by the
10 General Assembly for these purposes. If treatment is not
11 available and the requirement to participate and complete the
12 treatment has not been waived by the Director, the prisoner
13 shall be placed on a waiting list under criteria established by
14 the Department. The Director may allow a prisoner placed on a
15 waiting list to participate in and complete a substance abuse
16 education class or attend substance abuse self-help meetings in
17 lieu of a substance abuse treatment program. A prisoner on a
18 waiting list who is not placed in a substance abuse program
19 prior to release may be eligible for a waiver and receive
20 sentence credit under clause (3) of this subsection (a) at the
21 discretion of the Director.

22 (4.6) The rules and regulations on sentence credit shall
23 also provide that a prisoner who has been convicted of a sex
24 offense as defined in Section 2 of the Sex Offender
25 Registration Act shall receive no sentence credit unless he or
26 she either has successfully completed or is participating in

1 sex offender treatment as defined by the Sex Offender
2 Management Board. However, prisoners who are waiting to receive
3 treatment, but who are unable to do so due solely to the lack
4 of resources on the part of the Department, may, at the
5 Director's sole discretion, be awarded sentence credit at a
6 rate as the Director shall determine.

7 (4.7) On or after the effective date of this amendatory Act
8 of the 100th General Assembly, sentence credit under paragraph
9 (3), (4), or (4.1) of this subsection (a) may be awarded to a
10 prisoner who is serving a sentence for an offense described in
11 paragraph (2), (2.3), (2.4), (2.5), or (2.6) for credit earned
12 on or after the effective date of this amendatory Act of the
13 100th General Assembly; provided, the award of the credits
14 under this paragraph (4.7) shall not reduce the sentence of the
15 prisoner to less than the following amounts:

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

18 (ii) 60% of his or her sentence if the prisoner is
19 required to serve 75% of his or her sentence.

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

23 (5) Whenever the Department is to release any inmate
24 earlier than it otherwise would because of a grant of sentence
25 credit for good conduct under paragraph (3) of subsection (a)
26 of this Section given at any time during the term, the

1 Department shall give reasonable notice of the impending
2 release not less than 14 days prior to the date of the release
3 to the State's Attorney of the county where the prosecution of
4 the inmate took place, and if applicable, the State's Attorney
5 of the county into which the inmate will be released. The
6 Department must also make identification information and a
7 recent photo of the inmate being released accessible on the
8 Internet by means of a hyperlink labeled "Community
9 Notification of Inmate Early Release" on the Department's World
10 Wide Web homepage. The identification information shall
11 include the inmate's: name, any known alias, date of birth,
12 physical characteristics, commitment offense and county where
13 conviction was imposed. The identification information shall
14 be placed on the website within 3 days of the inmate's release
15 and the information may not be removed until either: completion
16 of the first year of mandatory supervised release or return of
17 the inmate to custody of the Department.

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

22 (c) The Department shall prescribe rules and regulations
23 for revoking sentence credit, including revoking sentence
24 credit awarded for good conduct under paragraph (3) of
25 subsection (a) of this Section. The Department shall prescribe
26 rules and regulations for suspending or reducing the rate of

1 accumulation of sentence credit for specific rule violations,
2 during imprisonment. These rules and regulations shall provide
3 that no inmate may be penalized more than one year of sentence
4 credit for any one infraction.

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

23 The Director of the Department of Corrections, in
24 appropriate cases, may restore up to 30 days of sentence
25 credits which have been revoked, suspended or reduced. Any
26 restoration of sentence credits in excess of 30 days shall be

1 subject to review by the Prisoner Review Board. However, the
2 Board may not restore sentence credit in excess of the amount
3 requested by the Director.

4 Nothing contained in this Section shall prohibit the
5 Prisoner Review Board from ordering, pursuant to Section
6 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the
7 sentence imposed by the court that was not served due to the
8 accumulation of sentence credit.

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

22 For purposes of this subsection (d):

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

1 (A) it lacks an arguable basis either in law or in
2 fact;

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

6 (C) the claims, defenses, and other legal
7 contentions therein are not warranted by existing law
8 or by a nonfrivolous argument for the extension,
9 modification, or reversal of existing law or the
10 establishment of new law;

11 (D) the allegations and other factual contentions
12 do not have evidentiary support or, if specifically so
13 identified, are not likely to have evidentiary support
14 after a reasonable opportunity for further
15 investigation or discovery; or

16 (E) the denials of factual contentions are not
17 warranted on the evidence, or if specifically so
18 identified, are not reasonably based on a lack of
19 information or belief.

20 (2) "Lawsuit" means a motion pursuant to Section 116-3
21 of the Code of Criminal Procedure of 1963, a habeas corpus
22 action under Article X of the Code of Civil Procedure or
23 under federal law (28 U.S.C. 2254), a petition for claim
24 under the Court of Claims Act, an action under the federal
25 Civil Rights Act (42 U.S.C. 1983), or a second or
26 subsequent petition for post-conviction relief under

1 Article 122 of the Code of Criminal Procedure of 1963
2 whether filed with or without leave of court or a second or
3 subsequent petition for relief from judgment under Section
4 2-1401 of the Code of Civil Procedure.

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

7 (f) Whenever the Department is to release any inmate who
8 has been convicted of a violation of an order of protection
9 under Section 12-3.4 or 12-30 of the Criminal Code of 1961 or
10 the Criminal Code of 2012, earlier than it otherwise would
11 because of a grant of sentence credit, the Department, as a
12 condition of release, shall require that the person, upon
13 release, be placed under electronic surveillance as provided in
14 Section 5-8A-7 of this Code.

15 (Source: P.A. 98-718, eff. 1-1-15; 99-241, eff. 1-1-16; 99-275,
16 eff. 1-1-16; 99-642, eff. 7-28-16.)

17 (730 ILCS 5/5-4-1) (from Ch. 38, par. 1005-4-1)

18 Sec. 5-4-1. Sentencing Hearing.

19 (a) Except when the death penalty is sought under hearing
20 procedures otherwise specified, after a determination of
21 guilt, a hearing shall be held to impose the sentence. However,
22 prior to the imposition of sentence on an individual being
23 sentenced for an offense based upon a charge for a violation of
24 Section 11-501 of the Illinois Vehicle Code or a similar
25 provision of a local ordinance, the individual must undergo a

1 professional evaluation to determine if an alcohol or other
2 drug abuse problem exists and the extent of such a problem.
3 Programs conducting these evaluations shall be licensed by the
4 Department of Human Services. However, if the individual is not
5 a resident of Illinois, the court may, in its discretion,
6 accept an evaluation from a program in the state of such
7 individual's residence. The court may in its sentencing order
8 approve an eligible defendant for placement in a Department of
9 Corrections impact incarceration program as provided in
10 Section 5-8-1.1 or 5-8-1.3. The court may in its sentencing
11 order recommend a defendant for placement in a Department of
12 Corrections substance abuse treatment program as provided in
13 paragraph (a) of subsection (1) of Section 3-2-2 conditioned
14 upon the defendant being accepted in a program by the
15 Department of Corrections. At the hearing the court shall:

16 (1) consider the evidence, if any, received upon the
17 trial;

18 (2) consider any presentence reports;

19 (3) consider the financial impact of incarceration
20 based on the financial impact statement filed with the
21 clerk of the court by the Department of Corrections;

22 (4) consider evidence and information offered by the
23 parties in aggravation and mitigation;

24 (4.5) consider substance abuse treatment, eligibility
25 screening, and an assessment, if any, of the defendant by
26 an agent designated by the State of Illinois to provide

1 assessment services for the Illinois courts;

2 (5) hear arguments as to sentencing alternatives;

3 (6) afford the defendant the opportunity to make a
4 statement in his own behalf;

5 (7) afford the victim of a violent crime or a violation
6 of Section 11-501 of the Illinois Vehicle Code, or a
7 similar provision of a local ordinance, or a qualified
8 individual affected by: (i) a violation of Section 405,
9 405.1, 405.2, or 407 of the Illinois Controlled Substances
10 Act or a violation of Section 55 or Section 65 of the
11 Methamphetamine Control and Community Protection Act, or
12 (ii) a Class 4 felony violation of Section 11-14, 11-14.3
13 except as described in subdivisions (a)(2)(A) and
14 (a)(2)(B), 11-15, 11-17, 11-18, 11-18.1, or 11-19 of the
15 Criminal Code of 1961 or the Criminal Code of 2012,
16 committed by the defendant the opportunity to make a
17 statement concerning the impact on the victim and to offer
18 evidence in aggravation or mitigation; provided that the
19 statement and evidence offered in aggravation or
20 mitigation must first be prepared in writing in conjunction
21 with the State's Attorney before it may be presented orally
22 at the hearing. Any sworn testimony offered by the victim
23 is subject to the defendant's right to cross-examine. All
24 statements and evidence offered under this paragraph (7)
25 shall become part of the record of the court. For the
26 purpose of this paragraph (7), "qualified individual"

1 means any person who (i) lived or worked within the
2 territorial jurisdiction where the offense took place when
3 the offense took place; and (ii) is familiar with various
4 public places within the territorial jurisdiction where
5 the offense took place when the offense took place. For the
6 purposes of this paragraph (7), "qualified individual"
7 includes any peace officer, or any member of any duly
8 organized State, county, or municipal peace unit assigned
9 to the territorial jurisdiction where the offense took
10 place when the offense took place;

11 (8) in cases of reckless homicide afford the victim's
12 spouse, guardians, parents or other immediate family
13 members an opportunity to make oral statements;

14 (9) in cases involving a felony sex offense as defined
15 under the Sex Offender Management Board Act, consider the
16 results of the sex offender evaluation conducted pursuant
17 to Section 5-3-2 of this Act; and

18 (10) make a finding of whether a motor vehicle was used
19 in the commission of the offense for which the defendant is
20 being sentenced.

21 (b) All sentences shall be imposed by the judge based upon
22 his independent assessment of the elements specified above and
23 any agreement as to sentence reached by the parties. The judge
24 who presided at the trial or the judge who accepted the plea of
25 guilty shall impose the sentence unless he is no longer sitting
26 as a judge in that court. Where the judge does not impose

1 sentence at the same time on all defendants who are convicted
2 as a result of being involved in the same offense, the
3 defendant or the State's Attorney may advise the sentencing
4 court of the disposition of any other defendants who have been
5 sentenced.

6 (b-1) In imposing a sentence of imprisonment or periodic
7 imprisonment for a Class 3 or Class 4 felony for which a
8 sentence of probation or conditional discharge is an available
9 sentence, if the defendant has no prior sentence of probation
10 or conditional discharge and no prior conviction for a violent
11 crime, the defendant shall not be sentenced to imprisonment
12 before review and consideration of a presentence report and
13 determination and explanation of why the particular evidence,
14 information, factor in aggravation, factual finding, or other
15 reasons support a sentencing determination that one or more of
16 the factors under subsection (a) of Section 5-6-1 of this Code
17 apply and that probation or conditional discharge is not an
18 appropriate sentence.

19 (c) In imposing a sentence for a violent crime or for an
20 offense of operating or being in physical control of a vehicle
21 while under the influence of alcohol, any other drug or any
22 combination thereof, or a similar provision of a local
23 ordinance, when such offense resulted in the personal injury to
24 someone other than the defendant, the trial judge shall specify
25 on the record the particular evidence, information, factors in
26 mitigation and aggravation or other reasons that led to his

1 sentencing determination. The full verbatim record of the
2 sentencing hearing shall be filed with the clerk of the court
3 and shall be a public record.

4 (c-1) In imposing a sentence for the offense of aggravated
5 kidnapping for ransom, home invasion, armed robbery,
6 aggravated vehicular hijacking, aggravated discharge of a
7 firearm, or armed violence with a category I weapon or category
8 II weapon, the trial judge shall make a finding as to whether
9 the conduct leading to conviction for the offense resulted in
10 great bodily harm to a victim, and shall enter that finding and
11 the basis for that finding in the record.

12 (c-2) If the defendant is sentenced to prison, other than
13 when a sentence of natural life imprisonment or a sentence of
14 death is imposed, at the time the sentence is imposed the judge
15 shall state on the record in open court the approximate period
16 of time the defendant will serve in custody according to the
17 then current statutory rules and regulations for sentence
18 credit found in Section 3-6-3 and other related provisions of
19 this Code. This statement is intended solely to inform the
20 public, has no legal effect on the defendant's actual release,
21 and may not be relied on by the defendant on appeal.

22 The judge's statement, to be given after pronouncing the
23 sentence, other than when the sentence is imposed for one of
24 the offenses enumerated in paragraph (a) (3) of Section 3-6-3,
25 shall include the following:

26 "The purpose of this statement is to inform the public of

1 the actual period of time this defendant is likely to spend in
2 prison as a result of this sentence. The actual period of
3 prison time served is determined by the statutes of Illinois as
4 applied to this sentence by the Illinois Department of
5 Corrections and the Illinois Prisoner Review Board. In this
6 case, assuming the defendant receives all of his or her
7 sentence credit, the period of estimated actual custody is ...
8 years and ... months, less up to 180 days additional sentence
9 credit for good conduct. If the defendant, because of his or
10 her own misconduct or failure to comply with the institutional
11 regulations, does not receive those credits, the actual time
12 served in prison will be longer. The defendant may also receive
13 an additional one-half day sentence credit for each day of
14 participation in vocational, industry, substance abuse, and
15 educational programs as provided for by Illinois statute."

16 When the sentence is imposed for one of the offenses
17 enumerated in paragraph (a) (3) of Section 3-6-3, ~~other than~~
18 ~~when the sentence is imposed for one of the offenses enumerated~~
19 ~~in paragraph (a) (2) of Section 3-6-3 committed on or after June~~
20 ~~19, 1998, and other than when the sentence is imposed for~~
21 ~~reckless homicide as defined in subsection (c) of Section 9-3~~
22 ~~of the Criminal Code of 1961 or the Criminal Code of 2012 if~~
23 ~~the offense was committed on or after January 1, 1999, and~~
24 ~~other than when the sentence is imposed for aggravated arson if~~
25 ~~the offense was committed on or after July 27, 2001 (the~~
26 ~~effective date of Public Act 92-176), and other than when the~~

1 ~~sentence is imposed for aggravated driving under the influence~~
2 ~~of alcohol, other drug or drugs, or intoxicating compound or~~
3 ~~compounds, or any combination thereof as defined in~~
4 ~~subparagraph (C) of paragraph (1) of subsection (d) of Section~~
5 ~~11 501 of the Illinois Vehicle Code committed on or after~~
6 ~~January 1, 2011 (the effective date of Public Act 96-1230), the~~
7 judge's statement, to be given after pronouncing the sentence,
8 shall include the following:

9 "The purpose of this statement is to inform the public of
10 the actual period of time this defendant is likely to spend in
11 prison as a result of this sentence. The actual period of
12 prison time served is determined by the statutes of Illinois as
13 applied to this sentence by the Illinois Department of
14 Corrections and the Illinois Prisoner Review Board. In this
15 case, assuming the defendant receives all of his or her
16 sentence credit, the period of estimated actual custody is ...
17 years and ... months, ~~less up to 90 days additional sentence~~
18 ~~credit for good conduct~~. If the defendant, because of his or
19 her own misconduct or failure to comply with the institutional
20 regulations, does not receive those credits, the actual time
21 served in prison will be longer. The defendant may also receive
22 an additional one-half day sentence credit for each day of
23 participation in vocational, industry, substance abuse, and
24 educational programs as provided for by Illinois statute."

25 When the sentence is imposed for one of the offenses
26 enumerated in paragraph (a)(2) of Section 3-6-3, other than

1 first degree murder, and the offense was committed on or after
2 June 19, 1998, and when the sentence is imposed for reckless
3 homicide as defined in subsection (e) of Section 9-3 of the
4 Criminal Code of 1961 or the Criminal Code of 2012 if the
5 offense was committed on or after January 1, 1999, and when the
6 sentence is imposed for aggravated driving under the influence
7 of alcohol, other drug or drugs, or intoxicating compound or
8 compounds, or any combination thereof as defined in
9 subparagraph (F) of paragraph (1) of subsection (d) of Section
10 11-501 of the Illinois Vehicle Code, and when the sentence is
11 imposed for aggravated arson if the offense was committed on or
12 after July 27, 2001 (the effective date of Public Act 92-176),
13 and when the sentence is imposed for aggravated driving under
14 the influence of alcohol, other drug or drugs, or intoxicating
15 compound or compounds, or any combination thereof as defined in
16 subparagraph (C) of paragraph (1) of subsection (d) of Section
17 11-501 of the Illinois Vehicle Code committed on or after
18 January 1, 2011 (the effective date of Public Act 96-1230), the
19 judge's statement, to be given after pronouncing the sentence,
20 shall include the following:

21 "The purpose of this statement is to inform the public of
22 the actual period of time this defendant is likely to spend in
23 prison as a result of this sentence. The actual period of
24 prison time served is determined by the statutes of Illinois as
25 applied to this sentence by the Illinois Department of
26 Corrections and the Illinois Prisoner Review Board. In this

1 case, the defendant is entitled to no more than 4 1/2 days of
2 sentence credit for each month of his or her sentence of
3 imprisonment. Therefore, this defendant will serve at least 85%
4 of his or her sentence. Assuming the defendant receives 4 1/2
5 days credit for each month of his or her sentence, the period
6 of estimated actual custody is ... years and ... months, less
7 up to 180 days additional sentence credit for good conduct. The
8 defendant may also receive an additional one-half day sentence
9 credit for each day of participation in vocational, industry,
10 substance abuse, and educational programs earned on or after
11 January 1, 2019 as provided for by Illinois statute and subject
12 to the limitations of Illinois statute. Assuming the defendant
13 receives the credit, the period of estimated actual custody
14 would be reduced by the credit. However, the credit may not
15 reduce time served to less than the amount set forth in
16 paragraph (4.7) of subsection (a) of Section 3-6-3. If the
17 defendant, because of his or her own misconduct or failure to
18 comply with the institutional regulations receives lesser
19 credit, the actual time served in prison will be longer."

20 When a sentence of imprisonment is imposed for first degree
21 murder and the offense was committed on or after June 19, 1998,
22 the judge's statement, to be given after pronouncing the
23 sentence, shall include the following:

24 "The purpose of this statement is to inform the public of
25 the actual period of time this defendant is likely to spend in
26 prison as a result of this sentence. The actual period of

1 prison time served is determined by the statutes of Illinois as
2 applied to this sentence by the Illinois Department of
3 Corrections and the Illinois Prisoner Review Board. In this
4 case, the defendant is not entitled to sentence credit earned
5 before January 1, 2019. The defendant is entitled to earn 10%
6 sentence credit for credits earned on or after January 1, 2019
7 and up to 180 days of additional sentence credit for good
8 conduct. If the defendant, because of his or her own misconduct
9 or failure to comply with the institutional regulations
10 receives lesser credit, the actual time served in prison will
11 be longer. Therefore, this defendant will serve at least 90% of
12 his or her sentence. However, the credit may not reduce time
13 served to less than the amount set forth in paragraph (4.7) of
14 subsection (a) of Section 3-6-3 ~~Therefore, this defendant will~~
15 ~~serve 100% of his or her sentence."~~

16 When the sentencing order recommends placement in a
17 substance abuse program for any offense that results in
18 incarceration in a Department of Corrections facility and the
19 crime was committed on or after September 1, 2003 (the
20 effective date of Public Act 93-354), the judge's statement, in
21 addition to any other judge's statement required under this
22 Section, to be given after pronouncing the sentence, shall
23 include the following:

24 "The purpose of this statement is to inform the public of
25 the actual period of time this defendant is likely to spend in
26 prison as a result of this sentence. The actual period of

1 prison time served is determined by the statutes of Illinois as
2 applied to this sentence by the Illinois Department of
3 Corrections and the Illinois Prisoner Review Board. In this
4 case, the defendant shall receive no sentence credit for good
5 conduct under clause (3) of subsection (a) of Section 3-6-3
6 until he or she participates in and completes a substance abuse
7 treatment program or receives a waiver from the Director of
8 Corrections pursuant to clause (4.5) of subsection (a) of
9 Section 3-6-3."

10 (c-4) Before the sentencing hearing and as part of the
11 presentence investigation under Section 5-3-1, the court shall
12 inquire of the defendant whether the defendant is currently
13 serving in or is a veteran of the Armed Forces of the United
14 States. If the defendant is currently serving in the Armed
15 Forces of the United States or is a veteran of the Armed Forces
16 of the United States and has been diagnosed as having a mental
17 illness by a qualified psychiatrist or clinical psychologist or
18 physician, the court may:

19 (1) order that the officer preparing the presentence
20 report consult with the United States Department of
21 Veterans Affairs, Illinois Department of Veterans'
22 Affairs, or another agency or person with suitable
23 knowledge or experience for the purpose of providing the
24 court with information regarding treatment options
25 available to the defendant, including federal, State, and
26 local programming; and

1 (2) consider the treatment recommendations of any
2 diagnosing or treating mental health professionals
3 together with the treatment options available to the
4 defendant in imposing sentence.

5 For the purposes of this subsection (c-4), "qualified
6 psychiatrist" means a reputable physician licensed in Illinois
7 to practice medicine in all its branches, who has specialized
8 in the diagnosis and treatment of mental and nervous disorders
9 for a period of not less than 5 years.

10 (c-6) In imposing a sentence, the trial judge shall
11 specify, on the record, the particular evidence and other
12 reasons which led to his or her determination that a motor
13 vehicle was used in the commission of the offense.

14 (d) When the defendant is committed to the Department of
15 Corrections, the State's Attorney shall and counsel for the
16 defendant may file a statement with the clerk of the court to
17 be transmitted to the department, agency or institution to
18 which the defendant is committed to furnish such department,
19 agency or institution with the facts and circumstances of the
20 offense for which the person was committed together with all
21 other factual information accessible to them in regard to the
22 person prior to his commitment relative to his habits,
23 associates, disposition and reputation and any other facts and
24 circumstances which may aid such department, agency or
25 institution during its custody of such person. The clerk shall
26 within 10 days after receiving any such statements transmit a

1 copy to such department, agency or institution and a copy to
2 the other party, provided, however, that this shall not be
3 cause for delay in conveying the person to the department,
4 agency or institution to which he has been committed.

5 (e) The clerk of the court shall transmit to the
6 department, agency or institution, if any, to which the
7 defendant is committed, the following:

8 (1) the sentence imposed;

9 (2) any statement by the court of the basis for
10 imposing the sentence;

11 (3) any presentence reports;

12 (3.5) any sex offender evaluations;

13 (3.6) any substance abuse treatment eligibility
14 screening and assessment of the defendant by an agent
15 designated by the State of Illinois to provide assessment
16 services for the Illinois courts;

17 (4) the number of days, if any, which the defendant has
18 been in custody and for which he is entitled to credit
19 against the sentence, which information shall be provided
20 to the clerk by the sheriff;

21 (4.1) any finding of great bodily harm made by the
22 court with respect to an offense enumerated in subsection
23 (c-1);

24 (5) all statements filed under subsection (d) of this
25 Section;

26 (6) any medical or mental health records or summaries

1 of the defendant;

2 (7) the municipality where the arrest of the offender
3 or the commission of the offense has occurred, where such
4 municipality has a population of more than 25,000 persons;

5 (8) all statements made and evidence offered under
6 paragraph (7) of subsection (a) of this Section; and

7 (9) all additional matters which the court directs the
8 clerk to transmit.

9 (f) In cases in which the court finds that a motor vehicle
10 was used in the commission of the offense for which the
11 defendant is being sentenced, the clerk of the court shall,
12 within 5 days thereafter, forward a report of such conviction
13 to the Secretary of State.

14 (Source: P.A. 99-861, eff. 1-1-17.)

15 (730 ILCS 5/5-4.5-25)

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

18 (a) TERM. The sentence of imprisonment shall be a
19 determinate sentence of not less than 6 years and not more than
20 30 years. The sentence of imprisonment for an extended term
21 Class X felony, as provided in Section 5-8-2 (730 ILCS
22 5/5-8-2), shall be not less than 30 years and not more than 60
23 years.

24 (b) PERIODIC IMPRISONMENT. A term of periodic imprisonment
25 shall not be imposed.

1 (c) IMPACT INCARCERATION. The impact incarceration program
2 or the county impact incarceration program is not an authorized
3 disposition.

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

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

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

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

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

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

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

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

24 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
25 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or
26 5/5-8-1), the parole or mandatory supervised release term shall

1 be 18 months ~~3 years~~ upon release from imprisonment.

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

3 (730 ILCS 5/5-4.5-30)

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

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

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

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

22 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
23 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the
24 period of probation or conditional discharge shall not exceed 4
25 years. The court shall specify the conditions of probation or

1 conditional discharge as set forth in Section 5-6-3 (730 ILCS
2 5/5-6-3). In no case shall an offender be eligible for a
3 disposition of probation or conditional discharge for a Class 1
4 felony committed while he or she was serving a term of
5 probation or conditional discharge for a felony.

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

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

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

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

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

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

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

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

1 5/5-8-1), the parole or mandatory supervised release term shall
2 be 18 months ~~2 years~~ upon release from imprisonment.

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

4 (730 ILCS 5/5-4.5-35)

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

7 (a) TERM. The sentence of imprisonment shall be a
8 determinate sentence of not less than 3 years and not more than
9 7 years. The sentence of imprisonment for an extended term
10 Class 2 felony, as provided in Section 5-8-2 (730 ILCS
11 5/5-8-2), shall be a term not less than 7 years and not more
12 than 14 years.

13 (b) PERIODIC IMPRISONMENT. A sentence of periodic
14 imprisonment shall be for a definite term of from 18 to 30
15 months, except as otherwise provided in Section 5-5-3 or 5-7-1
16 (730 ILCS 5/5-5-3 or 5/5-7-1).

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

21 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
22 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the
23 period of probation or conditional discharge shall not exceed 4
24 years. The court shall specify the conditions of probation or
25 conditional discharge as set forth in Section 5-6-3 (730 ILCS

1 5/5-6-3).

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

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

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

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

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

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

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

21 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
22 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or
23 5/5-8-1), the parole or mandatory supervised release term shall
24 be 18 months ~~2 years~~ upon release from imprisonment.

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

1 (730 ILCS 5/5-4.5-95)

2 Sec. 5-4.5-95. GENERAL RECIDIVISM PROVISIONS.

3 (a) HABITUAL CRIMINALS.

4 (1) Every person who has been twice convicted in any
5 state or federal court of an offense that contains the same
6 elements as an offense now (the date of the offense
7 committed after the 2 prior convictions) classified in
8 Illinois as a Class X felony, criminal sexual assault,
9 aggravated kidnapping, or first degree murder, and who is
10 thereafter convicted of a Class X felony, criminal sexual
11 assault, or first degree murder, committed after the 2
12 prior convictions, shall be adjudged an habitual criminal.

13 (2) The 2 prior convictions need not have been for the
14 same offense.

15 (3) Any convictions that result from or are connected
16 with the same transaction, or result from offenses
17 committed at the same time, shall be counted for the
18 purposes of this Section as one conviction.

19 (4) This Section does not apply unless each of the
20 following requirements are satisfied:

21 (A) The third offense was committed after July 3,
22 1980.

23 (B) The third offense was committed within 20 years
24 of the date that judgment was entered on the first
25 conviction; provided, however, that time spent in
26 custody shall not be counted.

1 (C) The third offense was committed after
2 conviction on the second offense.

3 (D) The second offense was committed after
4 conviction on the first offense.

5 (5) Anyone who, having attained the age of 18 at the
6 time of the third offense, is adjudged an habitual criminal
7 shall be sentenced to a term of natural life imprisonment.

8 (6) A prior conviction shall not be alleged in the
9 indictment, and no evidence or other disclosure of that
10 conviction shall be presented to the court or the jury
11 during the trial of an offense set forth in this Section
12 unless otherwise permitted by the issues properly raised in
13 that trial. After a plea or verdict or finding of guilty
14 and before sentence is imposed, the prosecutor may file
15 with the court a verified written statement signed by the
16 State's Attorney concerning any former conviction of an
17 offense set forth in this Section rendered against the
18 defendant. The court shall then cause the defendant to be
19 brought before it; shall inform the defendant of the
20 allegations of the statement so filed, and of his or her
21 right to a hearing before the court on the issue of that
22 former conviction and of his or her right to counsel at
23 that hearing; and unless the defendant admits such
24 conviction, shall hear and determine the issue, and shall
25 make a written finding thereon. If a sentence has
26 previously been imposed, the court may vacate that sentence

1 and impose a new sentence in accordance with this Section.

2 (7) A duly authenticated copy of the record of any
3 alleged former conviction of an offense set forth in this
4 Section shall be prima facie evidence of that former
5 conviction; and a duly authenticated copy of the record of
6 the defendant's final release or discharge from probation
7 granted, or from sentence and parole supervision (if any)
8 imposed pursuant to that former conviction, shall be prima
9 facie evidence of that release or discharge.

10 (8) Any claim that a previous conviction offered by the
11 prosecution is not a former conviction of an offense set
12 forth in this Section because of the existence of any
13 exceptions described in this Section, is waived unless duly
14 raised at the hearing on that conviction, or unless the
15 prosecution's proof shows the existence of the exceptions
16 described in this Section.

17 (9) If the person so convicted shows to the
18 satisfaction of the court before whom that conviction was
19 had that he or she was released from imprisonment, upon
20 either of the sentences upon a pardon granted for the
21 reason that he or she was innocent, that conviction and
22 sentence shall not be considered under this Section.

23 (b) When a defendant, over the age of 21 years, is
24 convicted of a Class 1 or Class 2 felony, except for an offense
25 listed in subsection (c) of this Section, after having twice
26 been convicted in any state or federal court of an offense that

1 contains the same elements as an offense now (the date the
2 Class 1 or Class 2 felony was committed) classified in Illinois
3 as a Class 2 or greater Class felony, except for an offense
4 listed in subsection (c) of this Section, and those charges are
5 separately brought and tried and arise out of different series
6 of acts, that defendant shall be sentenced as a Class X
7 offender. This subsection does not apply unless:

8 (1) the first felony was committed after February 1,
9 1978 (the effective date of Public Act 80-1099);

10 (2) the second felony was committed after conviction on
11 the first; and

12 (3) the third felony was committed after conviction on
13 the second.

14 (c) Subsection (b) of this Section does not apply to Class
15 1 or Class 2 felony convictions for a violation of:

16 (1) subsections (c) or (d) of Section 401, or
17 subsection (a) of Section 402 of the Illinois Controlled
18 Substances Act;

19 (2) Section 4 or Section 5 of the Cannabis Control Act;

20 (3) Section 16-1 of the Criminal Code of 2012.

21 A person sentenced as a Class X offender under this
22 subsection (b) is not eligible to apply for treatment as a
23 condition of probation as provided by Section 40-10 of the
24 Alcoholism and Other Drug Abuse and Dependency Act (20 ILCS
25 301/40-10).

26 (Source: P.A. 99-69, eff. 1-1-16.)

1 (730 ILCS 5/5-4.5-110 new)

2 Sec. 5-4.5-110. SENTENCING GUIDELINES FOR INDIVIDUALS WITH
3 PRIOR FELONY FIREARM-RELATED OR OTHER SPECIFIED CONVICTIONS.

4 (a) DEFINITIONS. For the purposes of this Section:

5 "Firearm" has the meaning ascribed to it in Section 1.1
6 of the Firearm Owners Identification Card Act.

7 "Qualifying predicate offense" means the following
8 offenses under the Criminal Code of 2012:

9 (A) aggravated unlawful use of a weapon under
10 Section 24-1.6 or similar offense under the Criminal
11 Code of 1961, when the weapon is a firearm;

12 (B) unlawful use or possession of a weapon by a
13 felon under 24-1.1 or similar offense under the
14 Criminal Code of 1961, when the weapon is a firearm;

15 (C) first degree murder under Section 9-1 or
16 similar offense under the Criminal Code of 1961;

17 (D) attempted first degree murder with a firearm or
18 similar offense under the Criminal Code of 1961;

19 (E) aggravated kidnapping with a firearm under
20 paragraph (6) or (7) of subsection (a) of Section 10-2
21 or similar offense under the Criminal Code of 1961;

22 (F) aggravated battery with a firearm under
23 subsection (e) of Section 12-3.05 or similar offense
24 under the Criminal Code of 1961;

25 (G) aggravated criminal sexual assault under

1 Section 11-1.30 or similar offense under the Criminal
2 Code of 1961;

3 (H) predatory criminal sexual assault of a child
4 under Section 11-1.40 or similar offense under the
5 Criminal Code of 1961;

6 (I) armed robbery under Section 18-2 or similar
7 offense under the Criminal Code of 1961;

8 (J) vehicular hijacking under Section 18-3 or
9 similar offense under the Criminal Code of 1961;

10 (K) aggravated vehicular hijacking under Section
11 18-4 or similar offense under the Criminal Code of
12 1961;

13 (L) home invasion with a firearm under paragraph
14 (3), (4), or (5) of subsection (a) of Section 19-6 or
15 similar offense under the Criminal Code of 1961;

16 (M) aggravated discharge of a firearm under
17 Section 24-1.2 or similar offense under the Criminal
18 Code of 1961;

19 (N) aggravated discharge of a machine gun or a
20 firearm equipped with a device designed or used for
21 silencing the report of a firearm under Section
22 24-1.2-5 or similar offense under the Criminal Code of
23 1961;

24 (O) unlawful use of firearm projectiles under
25 Section 24-2.1 or similar offense under the Criminal
26 Code of 1961;

1 (P) manufacture, sale, or transfer of bullets or
2 shells represented to be armor piercing bullets,
3 dragon's breath shotgun shells, bolo shells, or
4 flechette shells under Section 24-2.2 or similar
5 offense under the Criminal Code of 1961;

6 (Q) unlawful sale or delivery of firearms under
7 Section 24-3 or similar offense under the Criminal Code
8 of 1961;

9 (R) unlawful discharge of firearm projectiles
10 under Section 24-3.2 or similar offense under the
11 Criminal Code of 1961;

12 (S) unlawful sale or delivery of firearms on school
13 premises of any school under Section 24-3.3 or similar
14 offense under the Criminal Code of 1961;

15 (T) unlawful purchase of a firearm under Section
16 24-3.5 or similar offense under the Criminal Code of
17 1961;

18 (U) use of a stolen firearm in the commission of an
19 offense under Section 24-3.7 or similar offense under
20 the Criminal Code of 1961;

21 (V) possession of a stolen firearm under Section
22 24-3.8 or similar offense under the Criminal Code of
23 1961;

24 (W) aggravated possession of a stolen firearm
25 under Section 24-3.9 or similar offense under the
26 Criminal Code of 1961;

1 (X) gunrunning under Section 24-3A or similar
2 offense under the Criminal Code of 1961;

3 (Y) defacing identification marks of firearms
4 under Section 24-5 or similar offense under the
5 Criminal Code of 1961; and

6 (Z) armed violence under Section 33A-2 or similar
7 offense under the Criminal Code of 1961.

8 (b) APPLICABILITY. On or after the effective date of this
9 amendatory Act of the 100th General Assembly, when a person is
10 convicted of unlawful use or possession of a weapon by a felon,
11 when the weapon is a firearm, or aggravated unlawful use of a
12 weapon, when the weapon is a firearm, after being previously
13 convicted of a qualifying predicate offense the person shall be
14 subject to the sentencing guidelines under this Section.

15 (c) SENTENCING GUIDELINES.

16 (1) When a person is convicted of unlawful use or
17 possession of a weapon by a felon, when the weapon is a
18 firearm, and that person has been previously convicted of a
19 qualifying predicate offense, the person shall be
20 sentenced to a term of imprisonment within the sentencing
21 range of not less than 7 years and not more than 14 years,
22 unless the court finds that a departure from the sentencing
23 guidelines under this paragraph is warranted under
24 subsection (d) of this Section.

25 (2) When a person is convicted of aggravated unlawful
26 use of a weapon, when the weapon is a firearm, and that

1 person has been previously convicted of a qualifying
2 predicate offense, the person shall be sentenced to a term
3 of imprisonment within the sentencing range of not less
4 than 6 years and not more than 7 years, unless the court
5 finds that a departure from the sentencing guidelines under
6 this paragraph is warranted under subsection (d) of this
7 Section.

8 (d) DEPARTURE FROM SENTENCING GUIDELINES.

9 (1) At the sentencing hearing conducted under Section
10 5-4-1 of this Code, the court may depart from the
11 sentencing guidelines provided in subsection (c) of this
12 Section and impose a sentence otherwise authorized by law
13 for the offense if the court, after considering any factor
14 under paragraph (2) of this subsection (d) relevant to the
15 nature and circumstances of the crime and to the history
16 and character of the defendant, finds on the record
17 substantial and compelling justification that the sentence
18 within the sentencing guidelines would be unduly harsh and
19 that a sentence otherwise authorized by law would be
20 consistent with public safety and does not deprecate the
21 seriousness of the offense.

22 (2) In deciding whether to depart from the sentencing
23 guidelines under this paragraph, the court shall consider:

24 (A) the age, immaturity, or limited mental
25 capacity of the defendant at the time of commission of
26 the qualifying predicate or current offense, including

1 whether the defendant was suffering from a mental or
2 physical condition insufficient to constitute a
3 defense but significantly reduced the defendant's
4 culpability;

5 (B) the nature and circumstances of the qualifying
6 predicate offense;

7 (C) the time elapsed since the qualifying
8 predicate offense;

9 (D) the nature and circumstances of the current
10 offense;

11 (E) the defendant's prior criminal history;

12 (F) whether the defendant committed the qualifying
13 predicate or current offense under specific and
14 credible duress, coercion, threat, or compulsion;

15 (G) whether the defendant aided in the
16 apprehension of another felon or testified truthfully
17 on behalf of another prosecution of a felony;

18 (H) whether departure is in the interest of the
19 person's rehabilitation, including employment or
20 educational or vocational training, after taking into
21 account any past rehabilitation efforts or
22 dispositions of probation or supervision, and the
23 defendant's cooperation or response to rehabilitation;
24 and

25 (I) whether departure is in the interest of public
26 safety.

1 (3) When departing from the sentencing guidelines
2 under this Section, the court shall specify on the record,
3 the particular evidence, information, factor or factors,
4 or other reasons which led to the departure from the
5 sentencing guidelines. When departing from the sentencing
6 range in accordance with this subsection (d), the court
7 shall indicate on the sentencing order which departure
8 factor or factors outlined in paragraph (2) of this
9 subsection (d) led to the sentence imposed. The sentencing
10 order shall be filed with the clerk of the court and shall
11 be a public record.

12 (730 ILCS 5/5-6-3.3)

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, ~~or placed on probation or conditional discharge~~
21 ~~for~~, any felony offense under the laws of this State, the laws
22 of any other state, or the laws of the United States, is
23 arrested for and charged with a probationable felony offense of
24 theft, retail theft, forgery, possession of a stolen motor
25 vehicle, burglary, possession of burglary tools, deceptive

1 practices, disorderly conduct, criminal damage or trespass to
2 property under Article 21 of the Criminal Code of 2012,
3 criminal trespass to a residence, obstructing justice, or an
4 offense involving fraudulent identification, or possession of
5 cannabis, possession of a controlled substance, or possession
6 of methamphetamine, the court, with the consent of the
7 defendant and the State's Attorney, may continue this matter to
8 allow a defendant to participate and complete the Offender
9 Initiative Program.

10 (a-2) Exemptions. A defendant shall not be eligible for
11 this Program if the offense he or she has been arrested for and
12 charged with is a violent offense. For purposes of this
13 Program, a "violent offense" is any offense where bodily harm
14 was inflicted or where force was used against any person or
15 threatened against any person, any offense involving sexual
16 conduct, sexual penetration, or sexual exploitation, any
17 offense of domestic violence, domestic battery, violation of an
18 order of protection, stalking, hate crime, ~~driving under the~~
19 ~~influence of drugs or alcohol,~~ and any offense involving the
20 possession of a firearm or dangerous weapon. A defendant shall
21 not be eligible for this Program if he or she has previously
22 been adjudicated a delinquent minor for the commission of a
23 violent offense as defined in this subsection.

24 (b) When a defendant is placed in the Program, after both
25 the defendant and State's Attorney waive preliminary hearing
26 pursuant to Section 109-3 of the Code of Criminal Procedure of

1 1963, the court shall enter an order specifying that the
2 proceedings shall be suspended while the defendant is
3 participating in a Program of not less 12 months.

4 (c) The conditions of the Program shall be that the
5 defendant:

6 (1) not violate any criminal statute of this State or
7 any other jurisdiction;

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

10 (3) make full restitution to the victim or property
11 owner pursuant to Section 5-5-6 of this Code;

12 (4) obtain employment or perform not less than 30 hours
13 of community service, provided community service is
14 available in the county and is funded and approved by the
15 county board; and

16 (5) attend educational courses designed to prepare the
17 defendant for obtaining a high school diploma or to work
18 toward passing high school equivalency testing or to work
19 toward completing a vocational training program.

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

22 (1) undergo medical or psychiatric treatment, or
23 treatment or rehabilitation approved by the Illinois
24 Department of Human Services;

25 (2) refrain from having in his or her body the presence
26 of any illicit drug prohibited by the Methamphetamine

1 Control and Community Protection Act, the Cannabis Control
2 Act or the Illinois Controlled Substances Act, unless
3 prescribed by a physician, and submit samples of his or her
4 blood or urine or both for tests to determine the presence
5 of any illicit drug;

6 (3) submit to periodic drug testing at a time, manner,
7 and frequency as ordered by the court;

8 (4) pay fines, fees and costs; and

9 (5) in addition, if a minor:

10 (i) reside with his or her parents or in a foster
11 home;

12 (ii) attend school;

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

14 or

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

17 (e) When the State's Attorney makes a factually specific
18 offer of proof that the defendant has failed to successfully
19 complete the Program or has violated any of the conditions of
20 the Program, the court shall enter an order that the defendant
21 has not successfully completed the Program and continue the
22 case for arraignment pursuant to Section 113-1 of the Code of
23 Criminal Procedure of 1963 for further proceedings as if the
24 defendant had not participated in the Program.

25 (f) Upon fulfillment of the terms and conditions of the
26 Program, the State's Attorney shall dismiss the case or the

1 court shall discharge the person and dismiss the proceedings
2 against the person.

3 (g) A person may only have ~~There may be only~~ one discharge
4 and dismissal under this Section within a 4-year period ~~with~~
5 ~~respect to any person.~~

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 ~~may~~ be
21 considered for the drug court program.

22 (Source: P.A. 98-718, eff. 1-1-15; 99-480, eff. 9-9-15.)

23 (730 ILCS 5/5-6-3.4)

24 Sec. 5-6-3.4. Second Chance Probation.

25 (a) Whenever any person who has not previously been

1 convicted of, ~~or placed on probation or conditional discharge~~
2 ~~for~~, any felony offense under the laws of this State, the laws
3 of any other state, or the laws of the United States, ~~including~~
4 ~~probation under Section 410 of the Illinois Controlled~~
5 ~~Substances Act, Section 70 of the Methamphetamine Control and~~
6 ~~Community Protection Act, Section 10 of the Cannabis Control~~
7 ~~Act, subsection (c) of Section 11-14 of the Criminal Code of~~
8 ~~2012, Treatment Alternatives for Criminal Justice Clients~~
9 ~~(TASC) under Article 40 of the Alcoholism and Other Drug Abuse~~
10 ~~and Dependency Act, or prior successful completion of the~~
11 ~~Offender Initiative Program under Section 5-6-3.3 of this Code,~~
12 and pleads guilty to, or is found guilty of, ~~a probationable~~
13 ~~felony offense of possession of less than 15 grams~~ of a
14 controlled substance ~~that is punishable as a Class 4 felony;~~
15 possession of less than 15 grams of methamphetamine ~~that is~~
16 ~~punishable as a Class 4 felony;~~ or a probationable felony
17 offense of possession of cannabis, theft, retail theft,
18 forgery, deceptive practices, possession of a stolen motor
19 vehicle, burglary, possession of burglary tools, disorderly
20 conduct, criminal damage or trespass to property under Article
21 21 of the Criminal Code of 2012, criminal trespass to a
22 residence, an offense involving fraudulent identification, or
23 obstructing justice; ~~theft that is punishable as a Class 3~~
24 ~~felony based on the value of the property or punishable as a~~
25 ~~Class 4 felony if the theft was committed in a school or place~~
26 ~~of worship or if the theft was of governmental property; retail~~

1 ~~theft that is punishable as a Class 3 felony based on the value~~
2 ~~of the property; criminal damage to property that is punishable~~
3 ~~as a Class 4 felony; criminal damage to government supported~~
4 ~~property that is punishable as a Class 4 felony;~~ or possession
5 of cannabis ~~which is punishable as a Class 4 felony,~~ the court,
6 with the consent of the defendant and the State's Attorney,
7 may, without entering a judgment, sentence the defendant to
8 probation under this Section.

9 (a-1) Exemptions. A defendant is not eligible for this
10 probation if the offense he or she pleads guilty to, or is
11 found guilty of, is a violent offense, or he or she has
12 previously been convicted of a violent offense. For purposes of
13 this probation, a "violent offense" is any offense where bodily
14 harm was inflicted or where force was used against any person
15 or threatened against any person, any offense involving sexual
16 conduct, sexual penetration, or sexual exploitation, any
17 offense of domestic violence, domestic battery, violation of an
18 order of protection, stalking, hate crime, ~~driving under the~~
19 ~~influence of drugs or alcohol,~~ and any offense involving the
20 possession of a firearm or dangerous weapon. A defendant shall
21 not be eligible for this probation if he or she has previously
22 been adjudicated a delinquent minor for the commission of a
23 violent offense as defined in this subsection.

24 (b) When a defendant is placed on probation, the court
25 shall enter an order specifying a period of probation of not
26 less than 24 months and shall defer further proceedings in the

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

4 (c) The conditions of probation shall be that the
5 defendant:

6 (1) not violate any criminal statute of this State or
7 any other jurisdiction;

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

10 (3) make full restitution to the victim or property
11 owner under Section 5-5-6 of this Code;

12 (4) obtain or attempt to obtain employment;

13 (5) pay fines and costs;

14 (6) 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 (7) 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 probation, with the cost of the
21 testing to be paid by the defendant; and

22 (8) perform a minimum of 30 hours of community service.

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

25 (1) make a report to and appear in person before or
26 participate with the court or such courts, person, or

1 social service agency as directed by the court in the order
2 of probation;

3 (2) undergo medical or psychiatric treatment, or
4 treatment or rehabilitation approved by the Illinois
5 Department of Human Services;

6 (3) attend or reside in a facility established for the
7 instruction or residence of defendants on probation;

8 (4) support his or her dependents; or

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

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

19 (f) Upon fulfillment of the terms and conditions of
20 probation, the court shall discharge the person and dismiss the
21 proceedings against the person.

22 (g) A disposition of probation is considered to be a
23 conviction for the purposes of imposing the conditions of
24 probation and for appeal; however, a discharge and dismissal
25 under this Section is not a conviction for purposes of this
26 Code or for purposes of disqualifications or disabilities

1 imposed by law upon conviction of a crime.

2 (h) A person may only have ~~There may be only~~ one discharge
3 and dismissal under this Section within a 4-year period,
4 ~~Section 410 of the Illinois Controlled Substances Act, Section~~
5 ~~70 of the Methamphetamine Control and Community Protection Act,~~
6 ~~Section 10 of the Cannabis Control Act, Treatment Alternatives~~
7 ~~for Criminal Justice Clients (TASC) under Article 40 of the~~
8 ~~Alcoholism and Other Drug Abuse and Dependency Act, the~~
9 ~~Offender Initiative Program under Section 5-6-3.3 of this Code,~~
10 ~~and subsection (c) of Section 11-14 of the Criminal Code of~~
11 ~~2012 with respect to any person.~~

12 (i) If a person is convicted of any offense which occurred
13 within 5 years subsequent to a discharge and dismissal under
14 this Section, the discharge and dismissal under this Section
15 shall be admissible in the sentencing proceeding for that
16 conviction as evidence in aggravation.

17 (j) Notwithstanding subsection (a), if the court finds that
18 the defendant suffers from a substance abuse problem, then
19 before the person is placed on probation under this Section,
20 the court may refer the person to the drug court established in
21 that judicial circuit pursuant to Section 15 of the Drug Court
22 Treatment Act. The drug court team shall evaluate the person's
23 likelihood of successfully fulfilling the terms and conditions
24 of probation under this Section and shall report the results of
25 its evaluation to the court. If the drug court team finds that
26 the person suffers from a substance abuse problem that makes

1 him or her substantially unlikely to successfully fulfill the
2 terms and conditions of probation under this Section, then the
3 drug court shall set forth its findings in the form of a
4 written order, and the person shall be ineligible to be placed
5 on probation under this Section, but shall ~~may~~ be considered
6 for the drug court program.

7 (Source: P.A. 98-164, eff. 1-1-14; 98-718, eff. 1-1-15; 99-480,
8 eff. 9-9-15.)

9 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

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

12 (a) Except as otherwise provided in the statute defining
13 the offense or in Article 4.5 of Chapter V, a sentence of
14 imprisonment for a felony shall be a determinate sentence set
15 by the court under this Section, according to the following
16 limitations:

17 (1) for first degree murder,

18 (a) (blank),

19 (b) if a trier of fact finds beyond a reasonable
20 doubt that the murder was accompanied by exceptionally
21 brutal or heinous behavior indicative of wanton
22 cruelty or, except as set forth in subsection (a) (1) (c)
23 of this Section, that any of the aggravating factors
24 listed in subsection (b) or (b-5) of Section 9-1 of the
25 Criminal Code of 1961 or the Criminal Code of 2012 are

1 present, the court may sentence the defendant, subject
2 to Section 5-4.5-105, to a term of natural life
3 imprisonment, or

4 (c) the court shall sentence the defendant to a
5 term of natural life imprisonment if the defendant, at
6 the time of the commission of the murder, had attained
7 the age of 18, and

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

10 (ii) is found guilty of murdering more than one
11 victim, or

12 (iii) is found guilty of murdering a peace
13 officer, fireman, or emergency management worker
14 when the peace officer, fireman, or emergency
15 management worker was killed in the course of
16 performing his official duties, or to prevent the
17 peace officer or fireman from performing his
18 official duties, or in retaliation for the peace
19 officer, fireman, or emergency management worker
20 from performing his official duties, and the
21 defendant knew or should have known that the
22 murdered individual was a peace officer, fireman,
23 or emergency management worker, or

24 (iv) is found guilty of murdering an employee
25 of an institution or facility of the Department of
26 Corrections, or any similar local correctional

1 agency, when the employee was killed in the course
2 of performing his official duties, or to prevent
3 the employee from performing his official duties,
4 or in retaliation for the employee performing his
5 official duties, or

6 (v) is found guilty of murdering an emergency
7 medical technician - ambulance, emergency medical
8 technician - intermediate, emergency medical
9 technician - paramedic, ambulance driver or other
10 medical assistance or first aid person while
11 employed by a municipality or other governmental
12 unit when the person was killed in the course of
13 performing official duties or to prevent the
14 person from performing official duties or in
15 retaliation for performing official duties and the
16 defendant knew or should have known that the
17 murdered individual was an emergency medical
18 technician - ambulance, emergency medical
19 technician - intermediate, emergency medical
20 technician - paramedic, ambulance driver, or other
21 medical assistant or first aid personnel, or

22 (vi) (blank), or

23 (vii) is found guilty of first degree murder
24 and the murder was committed by reason of any
25 person's activity as a community policing
26 volunteer or to prevent any person from engaging in

1 activity as a community policing volunteer. For
2 the purpose of this Section, "community policing
3 volunteer" has the meaning ascribed to it in
4 Section 2-3.5 of the Criminal Code of 2012.

5 For purposes of clause (v), "emergency medical
6 technician - ambulance", "emergency medical technician
7 - intermediate", "emergency medical technician -
8 paramedic", have the meanings ascribed to them in the
9 Emergency Medical Services (EMS) Systems Act.

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

13 (ii) if, during the commission of the offense,
14 the person personally discharged a firearm, 20
15 years shall be added to the term of imprisonment
16 imposed by the court;

17 (iii) if, during the commission of the
18 offense, the person personally discharged a
19 firearm that proximately caused great bodily harm,
20 permanent disability, permanent disfigurement, or
21 death to another person, 25 years or up to a term
22 of natural life shall be added to the term of
23 imprisonment imposed by the court.

24 (2) (blank);

25 (2.5) for a person who has attained the age of 18 years
26 at the time of the commission of the offense and who is

1 convicted under the circumstances described in subdivision
2 (b) (1) (B) of Section 11-1.20 or paragraph (3) of subsection
3 (b) of Section 12-13, subdivision (d) (2) of Section 11-1.30
4 or paragraph (2) of subsection (d) of Section 12-14,
5 subdivision (b) (1.2) of Section 11-1.40 or paragraph (1.2)
6 of subsection (b) of Section 12-14.1, subdivision (b) (2) of
7 Section 11-1.40 or paragraph (2) of subsection (b) of
8 Section 12-14.1 of the Criminal Code of 1961 or the
9 Criminal Code of 2012, the sentence shall be a term of
10 natural life imprisonment.

11 (b) (Blank).

12 (c) (Blank).

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

16 (1) for first degree murder ~~or a Class X felony except~~
17 ~~for the offenses of predatory criminal sexual assault of a~~
18 ~~child, aggravated criminal sexual assault, and criminal~~
19 ~~sexual assault if committed on or after the effective date~~
20 ~~of this amendatory Act of the 94th General Assembly and~~
21 ~~except for the offense of aggravated child pornography~~
22 ~~under Section 11-20.1B, 11-20.3, or 11-20.1 with~~
23 ~~sentencing under subsection (e-5) of Section 11-20.1 of the~~
24 ~~Criminal Code of 1961 or the Criminal Code of 2012, if~~
25 ~~committed on or after January 1, 2009, 3 years;~~

26 (1.5) for a Class X felony except for the offenses of

1 predatory criminal sexual assault of a child, aggravated
2 criminal sexual assault, and criminal sexual assault if
3 committed on or after December 13, 2005 (the effective date
4 of Public Act 94-715) and except for the offense of
5 aggravated child pornography under Section 11-20.1B,
6 11-20.3, or 11-20.1 with sentencing under subsection (c-5)
7 of Section 11-20.1 of the Criminal Code of 1961 or the
8 Criminal Code of 2012, if committed on or after January 1,
9 2009, 18 months;

10 (2) for a Class 1 felony or a Class 2 felony except for
11 the offense of criminal sexual assault if committed on or
12 after December 13, 2005 (the effective date of Public Act
13 94-715) ~~this amendatory Act of the 94th General Assembly~~
14 and except for the offenses of manufacture and
15 dissemination of child pornography under clauses (a)(1)
16 and (a)(2) of Section 11-20.1 of the Criminal Code of 1961
17 or the Criminal Code of 2012, if committed on or after
18 January 1, 2009, 18 months; ~~2 years;~~

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

20 (4) for defendants who commit the offense of predatory
21 criminal sexual assault of a child, aggravated criminal
22 sexual assault, or criminal sexual assault, on or after
23 December 13, 2005 (the effective date of Public Act 94-715)
24 ~~this amendatory Act of the 94th General Assembly,~~ or who
25 commit the offense of aggravated child pornography under
26 Section 11-20.1B, 11-20.3, or 11-20.1 with sentencing

1 under subsection (c-5) of Section 11-20.1 of the Criminal
2 Code of 1961 or the Criminal Code of 2012, manufacture of
3 child pornography, or dissemination of child pornography
4 after January 1, 2009, the term of mandatory supervised
5 release shall range from a minimum of 3 years to a maximum
6 of the natural life of the defendant;

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

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

16 (e) (Blank).

17 (f) (Blank).

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

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

20 (Section scheduled to be repealed on December 31, 2020)

21 Sec. 5-8-8. Illinois Sentencing Policy Advisory Council.

22 (a) Creation. There is created under the jurisdiction of
23 the Governor the Illinois Sentencing Policy Advisory Council,
24 hereinafter referred to as the Council.

25 (b) Purposes and goals. The purpose of the Council is to

1 review sentencing policies and practices and examine how these
2 policies and practices impact the criminal justice system as a
3 whole in the State of Illinois. In carrying out its duties, the
4 Council shall be mindful of and aim to achieve the purposes of
5 sentencing in Illinois, which are set out in Section 1-1-2 of
6 this Code:

7 (1) prescribe sanctions proportionate to the
8 seriousness of the offenses and permit the recognition of
9 differences in rehabilitation possibilities among
10 individual offenders;

11 (2) forbid and prevent the commission of offenses;

12 (3) prevent arbitrary or oppressive treatment of
13 persons adjudicated offenders or delinquents; and

14 (4) restore offenders to useful citizenship.

15 (c) Council composition.

16 (1) The Council shall consist of the following members:

17 (A) the President of the Senate, or his or her
18 designee;

19 (B) the Minority Leader of the Senate, or his or
20 her designee;

21 (C) the Speaker of the House, or his or her
22 designee;

23 (D) the Minority Leader of the House, or his or her
24 designee;

25 (E) the Governor, or his or her designee;

26 (F) the Attorney General, or his or her designee;

1 (G) two retired judges, who may have been circuit,
2 appellate, or supreme court judges; retired judges
3 shall be selected by the members of the Council
4 designated in clauses (c) (1) (A) through (L);

5 (G-5) (blank);

6 (H) the Cook County State's Attorney, or his or her
7 designee;

8 (I) the Cook County Public Defender, or his or her
9 designee;

10 (J) a State's Attorney not from Cook County,
11 appointed by the State's Attorney's Appellate
12 Prosecutor;

13 (K) the State Appellate Defender, or his or her
14 designee;

15 (L) the Director of the Administrative Office of
16 the Illinois Courts, or his or her designee;

17 (M) a victim of a violent felony or a
18 representative of a crime victims' organization,
19 selected by the members of the Council designated in
20 clauses (c) (1) (A) through (L);

21 (N) a representative of a community-based
22 organization, selected by the members of the Council
23 designated in clauses (c) (1) (A) through (L);

24 (O) a criminal justice academic researcher, to be
25 selected by the members of the Council designated in
26 clauses (c) (1) (A) through (L);

1 (P) a representative of law enforcement from a unit
2 of local government to be selected by the members of
3 the Council designated in clauses (c)(1)(A) through
4 (L);

5 (Q) a sheriff selected by the members of the
6 Council designated in clauses (c)(1)(A) through (L);
7 and

8 (R) ex-officio members shall include:

9 (i) the Director of Corrections, or his or her
10 designee;

11 (ii) the Chair of the Prisoner Review Board, or
12 his or her designee;

13 (iii) the Director of the Illinois State
14 Police, or his or her designee; and

15 (iv) the Director of the Illinois Criminal
16 Justice Information Authority, or his or her
17 designee.

18 (1.5) The Chair and Vice Chair shall be elected from
19 among its members by a majority of the members of the
20 Council.

21 (2) Members of the Council who serve because of their
22 public office or position, or those who are designated as
23 members by such officials, shall serve only as long as they
24 hold such office or position.

25 (3) Council members shall serve without compensation
26 but shall be reimbursed for travel and per diem expenses

1 incurred in their work for the Council.

2 (4) The Council may exercise any power, perform any
3 function, take any action, or do anything in furtherance of
4 its purposes and goals upon the appointment of a quorum of
5 its members. The term of office of each member of the
6 Council ends on the date of repeal of this amendatory Act
7 of the 96th General Assembly.

8 (d) Duties. The Council shall perform, as resources permit,
9 duties including:

10 (1) Collect and analyze information including
11 sentencing data, crime trends, and existing correctional
12 resources to support legislative and executive action
13 affecting the use of correctional resources on the State
14 and local levels.

15 (2) Prepare criminal justice population projections
16 annually, including correctional and community-based
17 supervision populations.

18 (3) Analyze data relevant to proposed sentencing
19 legislation and its effect on current policies or
20 practices, and provide information to support
21 evidence-based sentencing.

22 (4) Ensure that adequate resources and facilities are
23 available for carrying out sentences imposed on offenders
24 and that rational priorities are established for the use of
25 those resources. To do so, the Council shall prepare
26 criminal justice resource statements, identifying the

1 fiscal and practical effects of proposed criminal
2 sentencing legislation, including, but not limited to, the
3 correctional population, court processes, and county or
4 local government resources.

5 (4.5) Study and conduct a thorough analysis of
6 sentencing under Section 5-4.5-110 of this Code. The
7 Sentencing Policy Advisory Council shall provide annual
8 reports to the Governor and General Assembly, including the
9 total number of persons sentenced under Section 5-4.5-110
10 of this Code, the total number of departures from sentences
11 under Section 5-4.5-110 of this Code, and an analysis of
12 trends in sentencing and departures. On or before December
13 31, 2022, the Sentencing Policy Advisory Council shall
14 provide a report to the Governor and General Assembly on
15 the effectiveness of sentencing under Section 5-4.5-110 of
16 this Code, including recommendations on whether sentencing
17 under Section 5-4.5-110 of this Code should be adjusted or
18 continued.

19 (5) Perform such other studies or tasks pertaining to
20 sentencing policies as may be requested by the Governor or
21 the Illinois General Assembly.

22 (6) Perform such other functions as may be required by
23 law or as are necessary to carry out the purposes and goals
24 of the Council prescribed in subsection (b).

25 (7) Publish a report on the trends in sentencing for
26 offenders described in subsection (b-1) of Section 5-4-1 of

1 this Code, the impact of the trends on the prison and
2 probation populations, and any changes in the racial
3 composition of the prison and probation populations that
4 can be attributed to the changes made by adding subsection
5 (b-1) of Section 5-4-1 to this Code by Public Act 99-861
6 ~~this amendatory Act of the 99th General Assembly.~~

7 (e) Authority.

8 (1) The Council shall have the power to perform the
9 functions necessary to carry out its duties, purposes and
10 goals under this Act. In so doing, the Council shall
11 utilize information and analysis developed by the Illinois
12 Criminal Justice Information Authority, the Administrative
13 Office of the Illinois Courts, and the Illinois Department
14 of Corrections.

15 (2) Upon request from the Council, each executive
16 agency and department of State and local government shall
17 provide information and records to the Council in the
18 execution of its duties.

19 (f) Report. The Council shall report in writing annually to
20 the General Assembly, the Illinois Supreme Court, and the
21 Governor.

22 (g) This Section is repealed on December 31, 2020.

23 (Source: P.A. 98-65, eff. 7-15-13; 99-101, eff. 7-22-15;
24 99-533, eff. 7-8-16; 99-861, eff. 1-1-17; revised 9-6-16.)".