



Sen. Antonio Muñoz

Filed: 3/8/2017

10000SB1722sam002

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

11 (720 ILCS 5/19-1) (from Ch. 38, par. 19-1)

12 Sec. 19-1. Burglary.

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

19 (b) Sentence.

20 Burglary committed in, and without causing damage to, a
21 watercraft, aircraft, motor vehicle, railroad car, or any part
22 thereof is a Class 3 felony. Burglary committed in a building,
23 housetrailer, or any part thereof or while causing damage to a
24 watercraft, aircraft, motor vehicle, railroad car, or any part

1 thereof is a Class 2 felony. A burglary committed in a school,
2 day care center, day care home, group day care home, or part
3 day child care facility, or place of worship is a Class 1
4 felony, except that this provision does not apply to a day care
5 center, day care home, group day care home, or part day child
6 care facility operated in a private residence used as a
7 dwelling.

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

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

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

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

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

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

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

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

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

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

1 Class 2 or greater felony under the Illinois Controlled
2 Substances Act, the Cannabis Control Act, or the
3 Methamphetamine Control and Community Protection Act is a Class
4 2 felony for which the person shall be sentenced to not less
5 than 3 years and not more than 14 years, except as provided for
6 in Section 5-4.5-110 of the Unified Code of Corrections.
7 Violation of this Section by a person who is on parole or
8 mandatory supervised release is a Class 2 felony for which the
9 person shall be sentenced to not less than 3 years and not more
10 than 14 years, except as provided for in Section 5-4.5-110 of
11 the Unified Code of Corrections. Violation of this Section by a
12 person not confined in a penal institution is a Class X felony
13 when the firearm possessed is a machine gun. Any person who
14 violates this Section while confined in a penal institution,
15 which is a facility of the Illinois Department of Corrections,
16 is guilty of a Class 1 felony, if he possesses any weapon
17 prohibited under Section 24-1 of this Code regardless of the
18 intent with which he possesses it, a Class X felony if he
19 possesses any firearm, firearm ammunition or explosive, and a
20 Class X felony for which the offender shall be sentenced to not
21 less than 12 years and not more than 50 years when the firearm
22 possessed is a machine gun. A violation of this Section while
23 wearing or in possession of body armor as defined in Section
24 33F-1 is a Class X felony punishable by a term of imprisonment
25 of not less than 10 years and not more than 40 years. The
26 possession of each firearm or firearm ammunition in violation

1 of this Section constitutes a single and separate violation.

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

3 (720 ILCS 5/24-1.6)

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

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

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

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

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

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

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

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

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

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

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

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

7 (F) (blank); or

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

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

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

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

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

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

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

1 (ii) are not immediately accessible; or

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

6 (d) Sentence.

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

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

22 (3) Aggravated unlawful use of a weapon by a person who
23 has been previously convicted of a felony in this State or
24 another jurisdiction is a Class 2 felony for which the
25 person shall be sentenced to a term of imprisonment of not
26 less than 3 years and not more than 7 years, except as

1 provided for in Section 5-4.5-110 of the Unified Code of
2 Corrections.

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

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

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

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

14 (720 ILCS 550/5.2) (from Ch. 56 1/2, par. 705.2)

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

16 (a) Any person who violates subsection (e) of Section 5 in
17 any school, on the real property comprising any school, or any
18 conveyance owned, leased or contracted by a school to transport
19 students to or from school or a school related activity, or on
20 any public way within 500 ~~1,000~~ feet of the real property
21 comprising any school, or in any conveyance owned, leased or
22 contracted by a school to transport students to or from school
23 or a school related activity, and at the time of the violation
24 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 1 felony, the
6 fine for which shall not exceed \$200,000;

7 (b) Any person who violates subsection (d) 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 2 felony, the
21 fine for which shall not exceed \$100,000;

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

1 comprising any school, or in any conveyance owned, leased or
2 contracted by a school to transport students to or from school
3 or a school related activity, and at the time of the violation
4 persons under the age of 18 are present, the offense is
5 committed during school hours, or the offense is committed at
6 times when persons under the age of 18 are reasonably expected
7 to be present in the school, in the conveyance, on the real
8 property, or on the public way, such as when after-school
9 activities are occurring, is guilty of a Class 3 felony, the
10 fine for which shall not exceed \$50,000;

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

26 (e) Any person who violates subsection (a) of Section 5 in

1 any school, on the real property comprising any school, or in
2 any conveyance owned, leased or contracted by a school to
3 transport students to or from school or a school related
4 activity, on any public way within 500 ~~1,000~~ feet of the real
5 property comprising any school, or any conveyance owned, leased
6 or contracted by a school to transport students to or from
7 school or a school related activity, and at the time of the
8 violation persons under the age of 18 are present, the offense
9 is committed during school hours, or the offense is committed
10 at times when persons under the age of 18 are reasonably
11 expected to be present in the school, in the conveyance, on the
12 real property, or on the public way, such as when after-school
13 activities are occurring, is guilty of a Class A misdemeanor.

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

15 (720 ILCS 550/10) (from Ch. 56 1/2, par. 710)

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

25 (b) When a person is placed on probation, the court shall

1 enter an order specifying a period of probation of 24 months,
2 and shall defer further proceedings in the case until the
3 conclusion of the period or until the filing of a petition
4 alleging violation of a term or condition of probation.

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

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

17 (1) make a report to and appear in person before or
18 participate with the court or such courts, person, or
19 social service agency as directed by the court in the order
20 of probation;

21 (2) pay a fine and costs;

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

24 (4) undergo medical or psychiatric treatment; or
25 treatment for drug addiction or alcoholism;

26 (5) attend or reside in a facility established for the

1 instruction or residence of defendants on probation;

2 (6) support his dependents;

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

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

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

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

14 (ii) attend school;

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

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

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

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

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

1 under this Section is not a conviction for purposes of
2 disqualification or disabilities imposed by law upon
3 conviction of a crime (including the additional penalty imposed
4 for subsequent offenses under Section 4(c), 4(d), 5(c) or 5(d)
5 of this Act).

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

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

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

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

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

10 Section 25. The Illinois Controlled Substances Act is
11 amended by changing Sections 401, 402, 407, and 410 as follows:

12 (720 ILCS 570/401) (from Ch. 56 1/2, par. 1401)

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

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

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

23 (1) (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 heroin, 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 heroin, or
4 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 heroin, 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 heroin, or an analog thereof;~~

12 (1.5) (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 fentanyl, 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 fentanyl,
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 fentanyl, 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 fentanyl, or an analog thereof;~~

1 (2) (A) not less than 6 years and not more than 30
2 years with respect to 15 grams or more but less than
3 400 ~~100~~ grams of a substance containing cocaine, or an
4 analog thereof;

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

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

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

16 (3) (A) not less than 6 years and not more than 30
17 years with respect to 15 grams or more but less than
18 400 ~~100~~ grams of a substance containing morphine, or an
19 analog thereof;

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

24 (C) not less than 6 ~~12~~ years and not more than 50
25 years with respect to 900 ~~400~~ grams or more ~~but less~~
26 ~~than 900 grams~~ of a substance containing morphine, or

1 an analog thereof;

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

5 (4) 200 grams or more of any substance containing
6 peyote, or an analog thereof;

7 (5) 200 grams or more of any substance containing a
8 derivative of barbituric acid or any of the salts of a
9 derivative of barbituric acid, or an analog thereof;

10 (6) 200 grams or more of any substance containing
11 amphetamine or any salt of an optical isomer of
12 amphetamine, or an analog thereof;

13 (6.5) (blank);

14 (6.6) (blank);

15 (7) (A) not less than 6 years and not more than 30
16 years with respect to: (i) 15 grams or more but less
17 than 400 ~~100~~ grams of a substance containing lysergic
18 acid diethylamide (LSD), or an analog thereof, or (ii)
19 15 or more objects or 15 or more segregated parts of an
20 object or objects but less than 800 ~~200~~ objects or 800
21 ~~200~~ segregated parts of an object or objects containing
22 in them or having upon them any amounts of any
23 substance containing lysergic acid diethylamide (LSD),
24 or an analog thereof;

25 (B) not less than 6 ~~9~~ years and not more than 40
26 years with respect to: (i) 400 ~~100~~ grams or more but

1 less than 900 ~~400~~ grams of a substance containing
2 lysergic acid diethylamide (LSD), or an analog
3 thereof, or (ii) 800 ~~200~~ or more objects or 800 ~~200~~ or
4 more segregated parts of an object or objects but less
5 than 2400 ~~600~~ objects or less than 2400 ~~600~~ segregated
6 parts of an object or objects containing in them or
7 having upon them any amount of any substance containing
8 lysergic acid diethylamide (LSD), or an analog
9 thereof;

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

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

1 ~~diethylamide (LSD), or an analog thereof;~~

2 (7.5) (A) not less than 6 years and not more than 30
3 years with respect to: (i) 15 grams or more but less
4 than 400 ~~100~~ grams of a substance listed in paragraph
5 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),
6 (20.1), (21), (25), or (26) of subsection (d) of
7 Section 204, or an analog or derivative thereof, or
8 (ii) 15 or more pills, tablets, caplets, capsules, or
9 objects but less than 800 ~~200~~ pills, tablets, caplets,
10 capsules, or objects containing in them or having upon
11 them any amounts of any substance listed in paragraph
12 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),
13 (20.1), (21), (25), or (26) of subsection (d) of
14 Section 204, or an analog or derivative thereof;

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

1 Section 204, or an analog or derivative thereof;

2 (C) not less than 6 ~~12~~ years and not more than 50
3 years with respect to: (i) 900 ~~400~~ grams or more ~~but~~
4 ~~less than 900 grams~~ of a substance listed in paragraph
5 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),
6 (20.1), (21), (25), or (26) of subsection (d) of
7 Section 204, or an analog or derivative thereof, or
8 (ii) 2400 ~~600~~ or more pills, tablets, caplets,
9 capsules, or objects ~~but less than 1,500 pills,~~
10 ~~tablets, caplets, capsules, or objects~~ containing in
11 them or having upon them any amount of any 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 (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 listed in paragraph (1), (2), (2.1),~~
19 ~~(2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or~~
20 ~~(26) of subsection (d) of Section 204, or an analog or~~
21 ~~derivative thereof, or (ii) 1,500 or more pills,~~
22 ~~tablets, caplets, capsules, or objects containing in~~
23 ~~them or having upon them any amount of a substance~~
24 ~~listed in paragraph (1), (2), (2.1), (2.2), (3),~~
25 ~~(14.1), (19), (20), (20.1), (21), (25), or (26) of~~
26 ~~subsection (d) of Section 204, or an analog or~~

1 ~~derivative thereof;~~

2 (8) 30 grams or more of any substance containing
3 pentazocine or any of the salts, isomers and salts of
4 isomers of pentazocine, or an analog thereof;

5 (9) 30 grams or more of any substance containing
6 methaqualone or any of the salts, isomers and salts of
7 isomers of methaqualone, or an analog thereof;

8 (10) 30 grams or more of any substance containing
9 phencyclidine or any of the salts, isomers and salts of
10 isomers of phencyclidine (PCP), or an analog thereof;

11 (10.5) 30 grams or more of any substance containing
12 ketamine or any of the salts, isomers and salts of isomers
13 of ketamine, or an analog thereof;

14 (10.6) 100 grams or more of any substance containing
15 hydrocodone, or any of the salts, isomers and salts of
16 isomers of hydrocodone, or an analog thereof;

17 (10.7) 100 grams or more of any substance containing
18 dihydrocodeinone, or any of the salts, isomers and salts of
19 isomers of dihydrocodeinone, or an analog thereof;

20 (10.8) 100 grams or more of any substance containing
21 dihydrocodeine, or any of the salts, isomers and salts of
22 isomers of dihydrocodeine, or an analog thereof;

23 (10.9) 100 grams or more of any substance containing
24 oxycodone, or any of the salts, isomers and salts of
25 isomers of oxycodone, or an analog thereof;

26 (11) 200 grams or more of any substance containing any

1 other controlled substance classified in Schedules I or II,
2 or an analog thereof, which is not otherwise included in
3 this subsection.

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

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

24 (c) Any person who violates this Section with regard to the
25 following amounts of controlled or counterfeit substances or
26 controlled substance analogs, notwithstanding any of the

1 provisions of subsections (a), (b), (d), (e), (f), (g) or (h)
2 to the contrary, is guilty of a Class 1 felony. The fine for
3 violation of this subsection (c) shall not be more than
4 \$250,000:

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

7 (1.5) 1 gram or more but less than 15 grams of any
8 substance containing fentanyl, or an analog thereof;

9 (2) 1 gram or more but less than 15 grams of any
10 substance containing cocaine, or an analog thereof;

11 (3) 10 grams or more but less than 15 grams of any
12 substance containing morphine, or an analog thereof;

13 (4) 50 grams or more but less than 200 grams of any
14 substance containing peyote, or an analog thereof;

15 (5) 50 grams or more but less than 200 grams of any
16 substance containing a derivative of barbituric acid or any
17 of the salts of a derivative of barbituric acid, or an
18 analog thereof;

19 (6) 50 grams or more but less than 200 grams of any
20 substance containing amphetamine or any salt of an optical
21 isomer of amphetamine, or an analog thereof;

22 (6.5) (blank);

23 (7) (i) 5 grams or more but less than 15 grams of any
24 substance containing lysergic acid diethylamide (LSD), or
25 an analog thereof, or (ii) more than 10 objects or more
26 than 10 segregated parts of an object or objects but less

1 than 15 objects or less than 15 segregated parts of an
2 object containing in them or having upon them any amount of
3 any substance containing lysergic acid diethylamide (LSD),
4 or an analog thereof;

5 (7.5) (i) 5 grams or more but less than 15 grams of any
6 substance listed in paragraph (1), (2), (2.1), (2.2), (3),
7 (14.1), (19), (20), (20.1), (21), (25), or (26) of
8 subsection (d) of Section 204, or an analog or derivative
9 thereof, or (ii) more than 10 pills, tablets, caplets,
10 capsules, or objects but less than 15 pills, tablets,
11 caplets, capsules, or objects containing in them or having
12 upon them any amount of any substance listed in paragraph
13 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20), (20.1),
14 (21), (25), or (26) of subsection (d) of Section 204, or an
15 analog or derivative thereof;

16 (8) 10 grams or more but less than 30 grams of any
17 substance containing pentazocine or any of the salts,
18 isomers and salts of isomers of pentazocine, or an analog
19 thereof;

20 (9) 10 grams or more but less than 30 grams of any
21 substance containing methaqualone or any of the salts,
22 isomers and salts of isomers of methaqualone, or an analog
23 thereof;

24 (10) 10 grams or more but less than 30 grams of any
25 substance containing phencyclidine or any of the salts,
26 isomers and salts of isomers of phencyclidine (PCP), or an

1 analog thereof;

2 (10.5) 10 grams or more but less than 30 grams of any
3 substance containing ketamine or any of the salts, isomers
4 and salts of isomers of ketamine, or an analog thereof;

5 (10.6) 50 grams or more but less than 100 grams of any
6 substance containing hydrocodone, or any of the salts,
7 isomers and salts of isomers of hydrocodone, or an analog
8 thereof;

9 (10.7) 50 grams or more but less than 100 grams of any
10 substance containing dihydrocodeinone, or any of the
11 salts, isomers and salts of isomers of dihydrocodeinone, or
12 an analog thereof;

13 (10.8) 50 grams or more but less than 100 grams of any
14 substance containing dihydrocodeine, or any of the salts,
15 isomers and salts of isomers of dihydrocodeine, or an
16 analog thereof;

17 (10.9) 50 grams or more but less than 100 grams of any
18 substance containing oxycodone, or any of the salts,
19 isomers and salts of isomers of oxycodone, or an analog
20 thereof;

21 (11) 50 grams or more but less than 200 grams of any
22 substance containing a substance classified in Schedules I
23 or II, or an analog thereof, which is not otherwise
24 included in this subsection.

25 (c-5) (Blank).

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

1 other amount of a controlled or counterfeit substance
2 containing dihydrocodeinone or dihydrocodeine or classified in
3 Schedules I or II, or an analog thereof, which is (i) a
4 narcotic drug, (ii) lysergic acid diethylamide (LSD) or an
5 analog thereof, (iii) any substance containing amphetamine or
6 fentanyl or any salt or optical isomer of amphetamine or
7 fentanyl, or an analog thereof, or (iv) any substance
8 containing N-Benzylpiperazine (BZP) or any salt or optical
9 isomer of N-Benzylpiperazine (BZP), or an analog thereof, is
10 guilty of a Class 2 felony. The fine for violation of this
11 subsection (d) shall not be more than \$200,000.

12 (d-5) (Blank).

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

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

25 (g) Any person who violates this Section with regard to any
26 other amount of a controlled or counterfeit substance

1 classified in Schedule IV is guilty of a Class 3 felony. The
2 fine for violation of this subsection (g) shall not be more
3 than \$100,000.

4 (h) Any person who violates this Section with regard to any
5 other amount of a controlled or counterfeit substance
6 classified in Schedule V is guilty of a Class 3 felony. The
7 fine for violation of this subsection (h) shall not be more
8 than \$75,000.

9 (i) This Section does not apply to the manufacture,
10 possession or distribution of a substance in conformance with
11 the provisions of an approved new drug application or an
12 exemption for investigational use within the meaning of Section
13 505 of the Federal Food, Drug and Cosmetic Act.

14 (j) (Blank).

15 (k) The changes made to this Section by this amendatory Act
16 of the 100th General Assembly apply only to offenses committed
17 on or after the effective date of this amendatory Act of the
18 100th General Assembly.

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

20 (720 ILCS 570/402) (from Ch. 56 1/2, par. 1402)

21 Sec. 402. Except as otherwise authorized by this Act, it is
22 unlawful for any person knowingly to possess a controlled or
23 counterfeit substance or controlled substance analog. A
24 violation of this Act with respect to each of the controlled
25 substances listed herein constitutes a single and separate

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

15 (a) Any person who violates this Section with respect to
16 the following controlled or counterfeit substances and
17 amounts, notwithstanding any of the provisions of subsections
18 (c) and (d) to the contrary, ~~is guilty of a Class 1 felony and~~
19 ~~shall~~, if sentenced to a term of imprisonment, shall be
20 sentenced as provided in this subsection (a) and fined as
21 provided in subsection (b):

22 (1) (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 a substance
25 containing heroin 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 a
3 substance containing heroin is guilty of a Class 2
4 felony;

5 (C) a person in possession of more than 100 ~~not~~
6 ~~less than 8 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 heroin is guilty of a Class 1
9 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 heroin;~~

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

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

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

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

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

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

13 (C) a person in possession of more than 100 ~~not~~
14 ~~less than 6 years and not more than 40 years with~~
15 ~~respect to 400 grams or more but less than 900 grams of~~
16 any substance containing morphine is guilty of a Class
17 1 felony;

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

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

23 (5) a person in possession of 200 grams or more of any
24 substance containing a derivative of barbituric acid or any
25 of the salts of a derivative of barbituric acid is guilty
26 of a Class 1 felony;

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

4 (6.5) (blank);

5 (7) (A) a person is guilty of a Class 3 felony if he or
6 she in possession of: not less than 4 years and not
7 more than 15 years with respect to: (i) 15 grams or
8 more but less than 50 ~~100~~ grams of any substance
9 containing lysergic acid diethylamide (LSD), or an
10 analog thereof, or (ii) 15 or more objects or 15 or
11 more segregated parts of an object or objects but less
12 than 100 ~~200~~ objects or 100 ~~200~~ segregated parts of an
13 object or objects containing in them or having upon
14 them any amount of any substance containing lysergic
15 acid diethylamide (LSD), or an analog thereof;

16 (B) a person is guilty of a Class 2 felony if he or
17 she is in possession of: not less than 6 years and not
18 more than 30 years with respect to: (i) 50 ~~100~~ grams or
19 more but less than 100 ~~400~~ grams of any substance
20 containing lysergic acid diethylamide (LSD), or an
21 analog thereof, or (ii) 100 ~~200~~ or more objects or 100
22 ~~200~~ or more segregated parts of an object or objects
23 but less than 300 ~~600~~ objects or less than 300 ~~600~~
24 segregated parts of an object or objects containing in
25 them or having upon them any amount of any substance
26 containing lysergic acid diethylamide (LSD), or an

1 analog thereof;

2 (C) a person is guilty of a Class 1 felony if he or
3 she is in possession of: ~~not less than 8 years and not~~
4 ~~more than 40 years with respect to:~~ (i) 100 ~~400~~ grams
5 or more ~~but less than 900 grams~~ of any substance
6 containing lysergic acid diethylamide (LSD), or an
7 analog thereof, or (ii) 300 ~~600~~ or more objects or 300
8 ~~600~~ or more segregated parts of an object or objects
9 ~~but less than 1500 objects or 1500 segregated parts of~~
10 ~~an object or objects~~ containing in them or having upon
11 them any amount of any substance containing lysergic
12 acid diethylamide (LSD), or an analog thereof;

13 (D) (blank); ~~not less than 10 years and not more~~
14 ~~than 50 years with respect to:~~ (i) ~~900 grams or more of~~
15 ~~any substance containing lysergic acid diethylamide~~
16 ~~(LSD), or an analog thereof, or (ii) 1500 or more~~
17 ~~objects or 1500 or more segregated parts of an object~~
18 ~~or objects containing in them or having upon them any~~
19 ~~amount of a substance containing lysergic acid~~
20 ~~diethylamide (LSD), or an analog thereof;~~

21 (7.5) (A) a person is guilty of a Class 3 felony if he
22 or she is in possession of: ~~not less than 4 years and~~
23 ~~not more than 15 years with respect to:~~ (i) 15 grams or
24 more but less than 50 ~~100~~ grams of any substance listed
25 in paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19),
26 (20), (20.1), (21), (25), or (26) of subsection (d) of

1 Section 204, or an analog or derivative thereof, or
2 (ii) 15 or more pills, tablets, caplets, capsules, or
3 objects but less than 100 ~~200~~ pills, tablets, caplets,
4 capsules, or objects containing in them or having upon
5 them any amount of any substance listed in paragraph
6 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),
7 (20.1), (21), (25), or (26) of subsection (d) of
8 Section 204, or an analog or derivative thereof;

9 (B) a person is guilty of a Class 2 felony if he or
10 she is in possession of: not less than 6 years and not
11 more than 30 years with respect to: (i) 50 ~~100~~ grams or
12 more but less than 100 ~~400~~ grams of any substance
13 listed in paragraph (1), (2), (2.1), (2.2), (3),
14 (14.1), (19), (20), (20.1), (21), (25), or (26) of
15 subsection (d) of Section 204, or an analog or
16 derivative thereof, or (ii) 100 ~~200~~ or more pills,
17 tablets, caplets, capsules, or objects but less than
18 300 ~~600~~ pills, tablets, caplets, capsules, or objects
19 containing in them or having upon them any amount of
20 any substance listed in paragraph (1), (2), (2.1),
21 (2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or
22 (26) of subsection (d) of Section 204, or an analog or
23 derivative thereof;

24 (C) a person is guilty of a Class 1 felony if he or
25 she is in possession of: not less than 8 years and not
26 more than 40 years with respect to: (i) 100 ~~400~~ grams

1 or more ~~but less than 900 grams~~ of any substance listed
2 in paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19),
3 (20), (20.1), (21), (25), or (26) of subsection (d) of
4 Section 204, or an analog or derivative thereof, or
5 (ii) 300 ~~600~~ or more pills, tablets, caplets, capsules,
6 or objects but less than 1,500 pills, tablets, caplets,
7 capsules, or objects containing in them or having upon
8 them any amount of any substance listed in paragraph
9 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),
10 (20.1), (21), (25), or (26) of subsection (d) of
11 Section 204, or an analog or derivative thereof;

12 (D) (blank); ~~not less than 10 years and not more~~
13 ~~than 50 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) a person in possession of 30 grams or more of any
25 substance containing pentazocine or any of the salts,
26 isomers and salts of isomers of pentazocine, or an analog

1 thereof is guilty of a Class 1 felony;

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

6 (10) a person in possession of 30 grams or more of any
7 substance containing phencyclidine or any of the salts,
8 isomers and salts of isomers of phencyclidine (PCP) is
9 guilty of a Class 1 felony;

10 (10.5) a person in possession of 30 grams or more of
11 any substance containing ketamine or any of the salts,
12 isomers and salts of isomers of ketamine is guilty of a
13 Class 1 felony;

14 (11) a person in possession of 200 grams or more of any
15 substance containing any substance classified as a
16 narcotic drug in Schedules I or II, or an analog thereof,
17 which is not otherwise included in this subsection is
18 guilty of a Class 1 felony.

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

1 1963. Any person sentenced with respect to any other provision
2 of subsection (a), may in addition to the penalties provided
3 therein, be fined an amount not to exceed \$200,000.

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

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

14 (e) The changes made to this Section by this amendatory Act
15 of the 100th General Assembly apply only to offenses committed
16 on or after the effective date of this amendatory Act of the
17 100th General Assembly.

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

19 (720 ILCS 570/407) (from Ch. 56 1/2, par. 1407)

20 Sec. 407. (a) (1) (A) Any person 18 years of age or over who
21 violates any subsection of Section 401 or subsection (b) of
22 Section 404 by delivering a controlled, counterfeit or
23 look-alike substance to a person under 18 years of age may be
24 sentenced to imprisonment for a term up to twice the maximum
25 term and fined an amount up to twice that amount otherwise

1 authorized by the pertinent subsection of Section 401 and
2 Subsection (b) of Section 404.

3 (B) (Blank).

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

6 (A) subsection (c) of Section 401 by delivering or
7 possessing with intent to deliver a controlled,
8 counterfeit, or look-alike substance in or on, or within
9 500 ~~1,000~~ feet of, a truck stop or safety rest area, is
10 guilty of a Class 1 felony, the fine for which shall not
11 exceed \$250,000;

12 (B) subsection (d) 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 2 felony, the fine for which shall not
17 exceed \$200,000;

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

24 (D) subsection (f) 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 \$125,000;

4 (E) subsection (g) of Section 401 by delivering or
5 possessing with intent to deliver a controlled,
6 counterfeit, or look-alike substance in or on, or within
7 500 ~~1,000~~ feet of, a truck stop or safety rest area, is
8 guilty of a Class 3 felony, the fine for which shall not
9 exceed \$100,000;

10 (F) subsection (h) of Section 401 by delivering or
11 possessing with intent to deliver a controlled,
12 counterfeit, or look-alike substance in or on, or within
13 500 ~~1,000~~ feet of, a truck stop or safety rest area, is
14 guilty of a Class 3 felony, the fine for which shall not
15 exceed \$75,000;

16 (3) Any person who violates paragraph (2) of this
17 subsection (a) by delivering or possessing with intent to
18 deliver a controlled, counterfeit, or look-alike substance in
19 or on, or within 500 ~~1,000~~ feet of a truck stop or a safety rest
20 area, following a prior conviction or convictions of paragraph
21 (2) of this subsection (a) may be sentenced to a term of
22 imprisonment up to 2 times the maximum term and fined an amount
23 up to 2 times the amount otherwise authorized by Section 401.

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

25 (A) "Safety rest area" means a roadside facility
26 removed from the roadway with parking and facilities

1 designed for motorists' rest, comfort, and information
2 needs; and

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

7 (b) Any person who violates:

8 (1) subsection (c) of Section 401 in any school, on or
9 within 500 feet of the real property comprising any school,
10 or in any conveyance owned, leased or contracted by a
11 school to transport students to or from school or a school
12 related activity, and at the time of the violation persons
13 under the age of 18 are present, the offense is committed
14 during school hours, or the offense is committed at times
15 when persons under the age of 18 are reasonably expected to
16 be present in the school, in the conveyance, or on the real
17 property, such as when after-school activities are
18 occurring ~~or residential property owned, operated or~~
19 ~~managed by a public housing agency or leased by a public~~
20 ~~housing agency as part of a scattered site or mixed income~~
21 ~~development, or in any public park or, on or within 500~~
22 feet of the real property comprising any school or
23 ~~residential property owned, operated or managed by a public~~
24 ~~housing agency or leased by a public housing agency as part~~
25 ~~of a scattered site or mixed income development, or public~~
26 ~~park or within 1,000 feet of the real property comprising~~

1 ~~any school 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 public park,~~ on the real property
5 comprising any church, synagogue, or other building,
6 structure, or place used primarily for religious worship,
7 or within 500 ~~1,000~~ feet of the real property comprising
8 any church, synagogue, or other building, structure, or
9 place used primarily for religious worship, on the real
10 property comprising any of the following places,
11 buildings, or structures used primarily for housing or
12 providing space for activities for senior citizens:
13 nursing homes, assisted-living centers, senior citizen
14 housing complexes, or senior centers oriented toward
15 daytime activities, or within 500 ~~1,000~~ feet of the real
16 property comprising any of the following places,
17 buildings, or structures used primarily for housing or
18 providing space for activities for senior citizens:
19 nursing homes, assisted-living centers, senior citizen
20 housing complexes, or senior centers oriented toward
21 daytime activities and at the time of the violation persons
22 are present or reasonably expected to be present in the
23 church, synagogue, or other building, structure, or place
24 used primarily for religious worship during worship
25 services, or in buildings or structures used primarily for
26 housing or providing space for activities for senior

1 citizens: nursing homes, assisted-living centers, senior
2 citizen housing complexes, or senior centers oriented
3 toward daytime activities during the hours those places,
4 buildings, or structures are open for those activities, or
5 on the real property is guilty of a Class X felony, the
6 fine for which shall not exceed \$500,000;

7 (2) subsection (d) of Section 401 in any school, on or
8 within 500 feet of the real property comprising any school,
9 or in any conveyance owned, leased or contracted by a
10 school to transport students to or from school or a school
11 related activity, and at the time of the violation persons
12 under the age of 18 are present, the offense is committed
13 during school hours, or the offense is committed at times
14 when persons under the age of 18 are reasonably expected to
15 be present in the school, in the conveyance, or on the real
16 property, such as when after-school activities are
17 occurring ~~or residential property owned, operated or~~
18 ~~managed by a public housing agency or leased by a public~~
19 ~~housing agency as part of a scattered site or mixed income~~
20 ~~development, or in any public park or~~ on or within 500
21 feet of the real property comprising any ~~school or~~
22 ~~residential property owned, operated or managed by a public~~
23 ~~housing agency or leased by a public housing agency as part~~
24 ~~of a scattered site or mixed income development, or public~~
25 ~~park or within 1,000 feet of the real property comprising~~
26 ~~any school or residential property owned, operated or~~

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

1 citizen housing complexes, or senior centers oriented
2 toward daytime activities during the hours those places,
3 buildings, or structures are open for those activities, or
4 on the real property is guilty of a Class 1 felony, the
5 fine for which shall not exceed \$250,000;

6 (3) subsection (e) of Section 401 or Subsection (b) of
7 Section 404 in any school, on or within 500 feet of the
8 real property comprising any school, or in any conveyance
9 owned, leased or contracted by a school to transport
10 students to or from school or a school related activity,
11 and at the time of the violation persons under the age of
12 18 are present, the offense is committed during school
13 hours, or the offense is committed at times when persons
14 under the age of 18 are reasonably expected to be present
15 in the school, in the conveyance, or on the real property,
16 such as when after-school activities are occurring ~~or~~
17 ~~residential property owned, operated or managed by a public~~
18 ~~housing agency or leased by a public housing agency as part~~
19 ~~of a scattered site or mixed income development, or in any~~
20 public park ~~or~~⁷ on or within 500 feet of the real property
21 comprising any school ~~or residential property owned,~~
22 ~~operated or managed by a public housing agency or leased by~~
23 ~~a public housing agency as part of a scattered site or~~
24 ~~mixed income development, or public park or within 1,000~~
25 ~~feet of the real property comprising any school or~~
26 ~~residential property owned, operated or managed by a public~~

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

1 toward daytime activities during the hours those places,
2 buildings, or structures are open for those activities, or
3 on the real property is guilty of a Class 2 felony, the
4 fine for which shall not exceed \$200,000;

5 (4) subsection (f) of Section 401 in any school, on or
6 within 500 feet of the real property comprising any school,
7 or in any conveyance owned, leased or contracted by a
8 school to transport students to or from school or a school
9 related activity, and at the time of the violation persons
10 under the age of 18 are present, the offense is committed
11 during school hours, or the offense is committed at times
12 when persons under the age of 18 are reasonably expected to
13 be present in the school, in the conveyance, or on the real
14 property, such as when after-school activities are
15 occurring ~~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 in any public park or~~ on or within 500
19 feet of the real property comprising any ~~school or~~
20 ~~residential property owned, operated or managed by a public~~
21 ~~housing agency or leased by a public housing agency as part~~
22 ~~of a scattered site or mixed income development, or public~~
23 ~~park or within 1,000 feet of the real property comprising~~
24 ~~any school or residential property owned, operated or~~
25 ~~managed by a public housing agency or leased by a public~~
26 ~~housing agency as part of a scattered site or mixed income~~

1 ~~development, or public park,~~ on the real property
2 comprising any church, synagogue, or other building,
3 structure, or place used primarily for religious worship,
4 or within 500 ~~1,000~~ feet of the real property comprising
5 any church, synagogue, or other building, structure, or
6 place used primarily for religious worship, on the real
7 property comprising any of the following places,
8 buildings, or structures used primarily for housing or
9 providing space for activities for senior citizens:
10 nursing homes, assisted-living centers, senior citizen
11 housing complexes, or senior centers oriented toward
12 daytime activities, or within 500 ~~1,000~~ feet of the real
13 property comprising any of the following places,
14 buildings, or structures used primarily for housing or
15 providing space for activities for senior citizens:
16 nursing homes, assisted-living centers, senior citizen
17 housing complexes, or senior centers oriented toward
18 daytime activities and at the time of the violation persons
19 are present or reasonably expected to be present in the
20 church, synagogue, or other building, structure, or place
21 used primarily for religious worship during worship
22 services, or in buildings or structures used primarily for
23 housing or providing space for activities for senior
24 citizens: nursing homes, assisted-living centers, senior
25 citizen housing complexes, or senior centers oriented
26 toward daytime activities during the hours those places,

1 buildings, or structures are open for those activities, or
2 on the real property is guilty of a Class 2 felony, the
3 fine for which shall not exceed \$150,000;

4 (5) subsection (g) of Section 401 in any school, on or
5 within 500 feet of the real property comprising any school,
6 or in any conveyance owned, leased or contracted by a
7 school to transport students to or from school or a school
8 related activity, and at the time of the violation persons
9 under the age of 18 are present, the offense is committed
10 during school hours, or the offense is committed at times
11 when persons under the age of 18 are reasonably expected to
12 be present in the school, in the conveyance, or on the real
13 property, such as when after-school activities are
14 occurring ~~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 in any public park or,~~ on or within 500
18 feet of the real property comprising any ~~school or~~
19 ~~residential property owned, operated or managed by a public~~
20 ~~housing agency or leased by a public housing agency as part~~
21 ~~of a scattered site or mixed income development, or public~~
22 ~~park or within 1,000 feet of the real property comprising~~
23 ~~any school or residential property owned, operated or~~
24 ~~managed by a public housing agency or leased by a public~~
25 ~~housing agency as part of a scattered site or mixed income~~
26 ~~development, or public park,~~ on the real property

1 comprising any church, synagogue, or other building,
2 structure, or place used primarily for religious worship,
3 or within 500 ~~1,000~~ feet of the real property comprising
4 any church, synagogue, or other building, structure, or
5 place used primarily for religious worship, on the real
6 property comprising any of the following places,
7 buildings, or structures used primarily for housing or
8 providing space for activities for senior citizens:
9 nursing homes, assisted-living centers, senior citizen
10 housing complexes, or senior centers oriented toward
11 daytime activities, or within 500 ~~1,000~~ feet of the real
12 property comprising any of the following places,
13 buildings, or structures used primarily for housing or
14 providing space for activities for senior citizens:
15 nursing homes, assisted-living centers, senior citizen
16 housing complexes, or senior centers oriented toward
17 daytime activities and at the time of the violation persons
18 are present or reasonably expected to be present in the
19 church, synagogue, or other building, structure, or place
20 used primarily for religious worship during worship
21 services, or in buildings or structures used primarily for
22 housing or providing space for activities for senior
23 citizens: nursing homes, assisted-living centers, senior
24 citizen housing complexes, or senior centers oriented
25 toward daytime activities during the hours those places,
26 buildings, or structures are open for those activities, or

1 on the real property is guilty of a Class 2 felony, the
2 fine for which shall not exceed \$125,000;

3 (6) subsection (h) of Section 401 in any school, on or
4 within 500 feet of the real property comprising any school,
5 or in any conveyance owned, leased or contracted by a
6 school to transport students to or from school or a school
7 related activity, and at the time of the violation persons
8 under the age of 18 are present, the offense is committed
9 during school hours, or the offense is committed at times
10 when persons under the age of 18 are reasonably expected to
11 be present in the school, in the conveyance, or on the real
12 property, such as when after-school activities are
13 occurring ~~or residential property owned, operated or~~
14 ~~managed by a public housing agency or leased by a public~~
15 ~~housing agency as part of a scattered site or mixed income~~
16 ~~development, or in any public park or~~ on or within 500
17 feet of the real property comprising any ~~school or~~
18 ~~residential property owned, operated or managed by a public~~
19 ~~housing agency or leased by a public housing agency as part~~
20 ~~of a scattered site or mixed income development, or public~~
21 ~~park or within 1,000 feet of the real property comprising~~
22 ~~any school or residential property owned, operated or~~
23 ~~managed by a public housing agency or leased by a public~~
24 ~~housing agency as part of a scattered site or mixed income~~
25 ~~development, or public park,~~ on the real property
26 comprising any church, synagogue, or other building,

1 structure, or place used primarily for religious worship,
2 or within 500 ~~1,000~~ feet of the real property comprising
3 any church, synagogue, or other building, structure, or
4 place used primarily for religious worship, on the real
5 property comprising any of the following places,
6 buildings, or structures used primarily for housing or
7 providing space for activities for senior citizens:
8 nursing homes, assisted-living centers, senior citizen
9 housing complexes, or senior centers oriented toward
10 daytime activities, or within 500 ~~1,000~~ feet of the real
11 property comprising any of the following places,
12 buildings, or structures used primarily for housing or
13 providing space for activities for senior citizens:
14 nursing homes, assisted-living centers, senior citizen
15 housing complexes, or senior centers oriented toward
16 daytime activities and at the time of the violation persons
17 are present or reasonably expected to be present in the
18 church, synagogue, or other building, structure, or place
19 used primarily for religious worship during worship
20 services, or in buildings or structures used primarily for
21 housing or providing space for activities for senior
22 citizens: nursing homes, assisted-living centers, senior
23 citizen housing complexes, or senior centers oriented
24 toward daytime activities during the hours those places,
25 buildings, or structures are open for those activities, or
26 on the real property is guilty of a Class 2 felony, the

1 fine for which shall not exceed \$100,000.

2 (c) Regarding penalties prescribed in subsection (b) for
3 violations committed in a school or on or within 500 ~~1,000~~ feet
4 of school property, the time of day and, time of year ~~and~~
5 ~~whether classes were currently in session~~ at the time of the
6 offense is irrelevant.

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

8 (720 ILCS 570/410) (from Ch. 56 1/2, par. 1410)

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

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

24 (c) The conditions of probation shall be that the person:
25 (1) not violate any criminal statute of any jurisdiction; (2)

1 refrain from possessing a firearm or other dangerous weapon;
2 (3) submit to periodic drug testing at a time and in a manner
3 as ordered by the court, but no less than 3 times during the
4 period of the probation, with the cost of the testing to be
5 paid by the probationer; and (4) perform no less than 30 hours
6 of community service, provided community service is available
7 in the jurisdiction and is funded and approved by the county
8 board.

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

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

15 (2) pay a fine and costs;

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

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

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

23 (6) support his or her dependents;

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

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

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

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

8 (ii) attend school;

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

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

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

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

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

24 (h) A person may not have more than ~~There may be only~~ one
25 discharge and dismissal under this Section within a 4-year
26 period, ~~Section 10 of the Cannabis Control Act, Section 70 of~~

1 ~~the Methamphetamine Control and Community Protection Act,~~
2 ~~Section 5-6-3.3 or 5-6-3.4 of the Unified Code of Corrections,~~
3 ~~or subsection (c) of Section 11-14 of the Criminal Code of 1961~~
4 ~~or the Criminal Code of 2012 with respect to any person.~~

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

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

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

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

4 (720 ILCS 646/15)

5 Sec. 15. Participation in methamphetamine manufacturing.

6 (a) Participation in methamphetamine manufacturing.

7 (1) It is unlawful to knowingly participate in the
8 manufacture of methamphetamine with the intent that
9 methamphetamine or a substance containing methamphetamine
10 be produced.

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

13 (A) A person who participates in the manufacture of
14 less than 15 grams of methamphetamine or a substance
15 containing methamphetamine is guilty of a Class 1
16 felony.

17 (B) A person who participates in the manufacture of
18 15 or more grams but less than 100 grams of
19 methamphetamine or a substance containing
20 methamphetamine is guilty of a Class X felony, subject
21 to a term of imprisonment of not less than 6 years and
22 not more than 30 years, and subject to a fine not to
23 exceed \$100,000 or the street value of the
24 methamphetamine manufactured, whichever is greater.

1 (C) A person who participates in the manufacture of
2 100 or more grams but less than 400 grams of
3 methamphetamine or a substance containing
4 methamphetamine is guilty of a Class X felony, subject
5 to a term of imprisonment of not less than 9 years and
6 not more than 40 years, and subject to a fine not to
7 exceed \$200,000 or the street value of the
8 methamphetamine manufactured, whichever is greater.

9 (D) A person who participates in the manufacture of
10 400 or more grams but less than 900 grams of
11 methamphetamine or a substance containing
12 methamphetamine is guilty of a Class X felony, subject
13 to a term of imprisonment of not less than 12 years and
14 not more than 50 years, and subject to a fine not to
15 exceed \$300,000 or the street value of the
16 methamphetamine manufactured, whichever is greater.

17 (E) A person who participates in the manufacture of
18 900 grams or more of methamphetamine or a substance
19 containing methamphetamine is guilty of a Class X
20 felony, subject to a term of imprisonment of not less
21 than 15 years and not more than 60 years, and subject
22 to a fine not to exceed \$400,000 or the street value of
23 the methamphetamine, whichever is greater.

24 (b) Aggravated participation in methamphetamine
25 manufacturing.

26 (1) It is unlawful to engage in aggravated

1 participation in the manufacture of methamphetamine. A
2 person engages in aggravated participation in the
3 manufacture of methamphetamine when the person violates
4 paragraph (1) of subsection (a) and:

5 (A) the person knowingly does so in a multi-unit
6 dwelling;

7 (B) the person knowingly does so in a structure or
8 vehicle where a child under the age of 18, a person
9 with a disability, or a person 60 years of age or older
10 who is incapable of adequately providing for his or her
11 own health and personal care resides, is present, or is
12 endangered by the manufacture of methamphetamine;

13 (C) the person does so in a structure or vehicle
14 where a woman the person knows to be pregnant
15 (including but not limited to the person herself)
16 resides, is present, or is endangered by the
17 methamphetamine manufacture;

18 (D) the person knowingly does so in a structure or
19 vehicle protected by one or more firearms, explosive
20 devices, booby traps, alarm systems, surveillance
21 systems, guard dogs, or dangerous animals;

22 (E) the methamphetamine manufacturing in which the
23 person participates is a contributing cause of the
24 death, serious bodily injury, disability, or
25 disfigurement of another person, including but not
26 limited to an emergency service provider;

1 (F) the methamphetamine manufacturing in which the
2 person participates is a contributing cause of a fire
3 or explosion that damages property belonging to
4 another person;

5 (G) the person knowingly organizes, directs, or
6 finances the methamphetamine manufacturing or
7 activities carried out in support of the
8 methamphetamine manufacturing; or

9 (H) the methamphetamine manufacturing occurs
10 within 500 ~~1,000~~ feet of a place of worship or
11 parsonage, or within 500 ~~1,000~~ feet of the real
12 property comprising any school at a time when children,
13 clergy, patrons, staff, or other persons are present or
14 any activity sanctioned by the place of worship or
15 parsonage or school is taking place.

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

18 (A) A person who participates in the manufacture of
19 less than 15 grams of methamphetamine or a substance
20 containing methamphetamine is guilty of a Class X
21 felony, subject to a term of imprisonment of not less
22 than 6 years and not more than 30 years, and subject to
23 a fine not to exceed \$100,000 or the street value of
24 the methamphetamine, whichever is greater.

25 (B) A person who participates in the manufacture of
26 15 or more grams but less than 100 grams of

1 methamphetamine or a substance containing
2 methamphetamine is guilty of a Class X felony, subject
3 to a term of imprisonment of not less than 9 years and
4 not more than 40 years, and subject to a fine not to
5 exceed \$200,000 or the street value of the
6 methamphetamine, whichever is greater.

7 (C) A person who participates in the manufacture of
8 100 or more grams but less than 400 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 12 years and
12 not more than 50 years, and subject to a fine not to
13 exceed \$300,000 or the street value of the
14 methamphetamine, whichever is greater.

15 (D) A person who participates in the manufacture of
16 400 grams or more of methamphetamine or a substance
17 containing methamphetamine is guilty of a Class X
18 felony, subject to a term of imprisonment of not less
19 than 15 years and not more than 60 years, and subject
20 to a fine not to exceed \$400,000 or the street value of
21 the methamphetamine, whichever is greater.

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

23 (720 ILCS 646/55)

24 Sec. 55. Methamphetamine delivery.

25 (a) Delivery or possession with intent to deliver

1 methamphetamine or a substance containing methamphetamine.

2 (1) It is unlawful knowingly to engage in the delivery
3 or possession with intent to deliver methamphetamine or a
4 substance containing methamphetamine.

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

7 (A) A person who delivers or possesses with intent
8 to deliver less than 5 grams of methamphetamine or a
9 substance containing methamphetamine is guilty of a
10 Class 2 felony.

11 (B) A person who delivers or possesses with intent
12 to deliver 5 or more grams but less than 15 grams of
13 methamphetamine or a substance containing
14 methamphetamine is guilty of a Class 1 felony.

15 (C) A person who delivers or possesses with intent
16 to deliver 15 or more grams but less than 100 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 6 years and
20 not more than 30 years, and subject to a fine not to
21 exceed \$100,000 or the street value of the
22 methamphetamine, whichever is greater.

23 (D) A person who delivers or possesses with intent
24 to deliver 100 or more grams but less than 400 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 9 years and
2 not more than 40 years, and subject to a fine not to
3 exceed \$200,000 or the street value of the
4 methamphetamine, whichever is greater.

5 (E) A person who delivers or possesses with intent
6 to deliver 400 or more grams but less than 900 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 12 years and
10 not more than 50 years, and subject to a fine not to
11 exceed \$300,000 or the street value of the
12 methamphetamine, whichever is greater.

13 (F) A person who delivers or possesses with intent
14 to deliver 900 or more grams of methamphetamine or a
15 substance containing methamphetamine is guilty of a
16 Class X felony, subject to a term of imprisonment of
17 not less than 15 years and not more than 60 years, and
18 subject to a fine not to exceed \$400,000 or the street
19 value of the methamphetamine, whichever is greater.

20 (b) Aggravated delivery or possession with intent to
21 deliver methamphetamine or a substance containing
22 methamphetamine.

23 (1) It is unlawful to engage in the aggravated delivery
24 or possession with intent to deliver methamphetamine or a
25 substance containing methamphetamine. A person engages in
26 the aggravated delivery or possession with intent to

1 deliver methamphetamine or a substance containing
2 methamphetamine when the person violates paragraph (1) of
3 subsection (a) of this Section and:

4 (A) the person is at least 18 years of age and
5 knowingly delivers or possesses with intent to deliver
6 the methamphetamine or substance containing
7 methamphetamine to a person under 18 years of age;

8 (B) the person is at least 18 years of age and
9 knowingly uses, engages, employs, or causes another
10 person to use, engage, or employ a person under 18
11 years of age to deliver the methamphetamine or
12 substance containing methamphetamine;

13 (C) the person knowingly delivers or possesses
14 with intent to deliver the methamphetamine or
15 substance containing methamphetamine in any structure
16 or vehicle protected by one or more firearms, explosive
17 devices, booby traps, alarm systems, surveillance
18 systems, guard dogs, or dangerous animals;

19 (D) the person knowingly delivers or possesses
20 with intent to deliver the methamphetamine or
21 substance containing methamphetamine in any school, on
22 any real property comprising any school, or in any
23 conveyance owned, leased, or contracted by a school to
24 transport students to or from school or a
25 school-related activity and at the time of the
26 violation persons under the age of 18 are present, the

1 offense is committed during school hours, or the
2 offense is committed at times when persons under the
3 age of 18 are reasonably expected to be present in the
4 school, in the conveyance, or on the real property,
5 such as when after-school activities are occurring;

6 (E) the person delivers or causes another person to
7 deliver the methamphetamine or substance containing
8 methamphetamine to a woman that the person knows to be
9 pregnant; or

10 (F) (blank).

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

13 (A) A person who delivers or possesses with intent
14 to deliver less than 5 grams of methamphetamine or a
15 substance containing methamphetamine is guilty of a
16 Class 1 felony.

17 (B) A person who delivers or possesses with intent
18 to deliver 5 or more grams but less than 15 grams of
19 methamphetamine or a substance containing
20 methamphetamine is guilty of a Class X felony, subject
21 to a term of imprisonment of not less than 6 years and
22 not more than 30 years, and subject to a fine not to
23 exceed \$100,000 or the street value of the
24 methamphetamine, whichever is greater.

25 (C) A person who delivers or possesses with intent
26 to deliver 15 or more grams but less than 100 grams of

1 methamphetamine or a substance containing
2 methamphetamine is guilty of a Class X felony, subject
3 to a term of imprisonment of not less than 8 years and
4 not more than 40 years, and subject to a fine not to
5 exceed \$200,000 or the street value of the
6 methamphetamine, whichever is greater.

7 (D) A person who delivers or possesses with intent
8 to deliver 100 or more grams of methamphetamine or a
9 substance containing methamphetamine is guilty of a
10 Class X felony, subject to a term of imprisonment of
11 not less than 10 years and not more than 50 years, and
12 subject to a fine not to exceed \$300,000 or the street
13 value of the methamphetamine, whichever is greater.

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

15 (720 ILCS 646/70)

16 Sec. 70. Probation.

17 (a) Whenever any person who has not previously been
18 convicted of, ~~or placed on probation or court supervision for~~
19 any felony offense under this Act, the Illinois Controlled
20 Substances Act, the Cannabis Control Act, or any law of the
21 United States or of any state relating to cannabis or
22 controlled substances, pleads guilty to or is found guilty of
23 possession of less than 15 grams of methamphetamine under
24 paragraph (1) or (2) of subsection (b) of Section 60 of this
25 Act, the court, without entering a judgment and with the

1 consent of the person, may sentence him or her to probation.

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

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

8 (1) not violate any criminal statute of any
9 jurisdiction;

10 (2) refrain from possessing a firearm or other
11 dangerous weapon;

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

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

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

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

25 (2) pay a fine and costs;

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

1 training;

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

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

7 (6) support his or her dependents;

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

14 (8) if a minor:

15 (i) reside with his or her parents or in a foster
16 home;

17 (ii) attend school;

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

19 or

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

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

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

1 proceedings against the person.

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

8 (h) A person may not have more than ~~There may be only one~~
9 discharge and dismissal under this Section within a 4-year
10 period, ~~Section 410 of the Illinois Controlled Substances Act,~~
11 ~~Section 10 of the Cannabis Control Act, Section 5-6-3.3 or~~
12 ~~5-6-3.4 of the Unified Code of Corrections, or subsection (c)~~
13 ~~of Section 11-14 of the Criminal Code of 1961 or the Criminal~~
14 ~~Code of 2012 with respect to any person.~~

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

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

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

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

10 Section 35. The Unified Code of Corrections is amended by
11 changing Sections 3-3-8, 3-6-3, 5-4-1, 5-4.5-25, 5-4.5-30,
12 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
13 adding Section 5-4.5-110 as follows:

14 (730 ILCS 5/3-3-8) (from Ch. 38, par. 1003-3-8)

15 Sec. 3-3-8. Length of parole and mandatory supervised
16 release; discharge.

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

23 (b) The Prisoner Review Board may enter an order releasing
24 and discharging one from parole or mandatory supervised

1 release, and his or her commitment to the Department, when it
2 determines that he or she is likely to remain at liberty
3 without committing another offense.

4 (b-1) Provided that the subject is in compliance with the
5 terms and conditions of his or her parole or mandatory
6 supervised release, the Prisoner Review Board may reduce the
7 period of a parolee or releasee's parole or mandatory
8 supervised release by 90 days upon the parolee or releasee
9 receiving a high school diploma or upon passage of high school
10 equivalency testing during the period of his or her parole or
11 mandatory supervised release. This reduction in the period of a
12 subject's term of parole or mandatory supervised release shall
13 be available only to subjects who have not previously earned a
14 high school diploma or who have not previously passed high
15 school equivalency testing.

16 (b-2) The Prisoner Review Board shall release a low-risk
17 and need subject person from mandatory supervised release as
18 determined by an appropriate evidence-based risk and need
19 assessment.

20 (c) The order of discharge shall become effective upon
21 entry of the order of the Board. The Board shall notify the
22 clerk of the committing court of the order. Upon receipt of
23 such copy, the clerk shall make an entry on the record judgment
24 that the sentence or commitment has been satisfied pursuant to
25 the order.

26 (d) Rights of the person discharged under this Section

1 shall be restored under Section 5-5-5.

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

4 (730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)

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

6 (a) (1) The Department of Corrections shall prescribe rules
7 and regulations for awarding and revoking sentence credit for
8 persons committed to the Department which shall be subject to
9 review by the Prisoner Review Board.

10 (1.5) As otherwise provided by law, sentence credit may be
11 awarded for the following:

12 (A) successful completion of programming while in
13 custody of the Department or while in custody prior to
14 sentencing;

15 (B) compliance with the rules and regulations of the
16 Department; or

17 (C) service to the institution, service to a community,
18 or service to the State.

19 (2) Except as provided in paragraph (4.7) of this
20 subsection (a), the ~~The~~ rules and regulations on sentence
21 credit shall provide, with respect to offenses listed in clause
22 (i), (ii), or (iii) of this paragraph (2) committed on or after
23 June 19, 1998 or with respect to the offense listed in clause
24 (iv) of this paragraph (2) committed on or after June 23, 2005
25 (the effective date of Public Act 94-71) or with respect to

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

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

17 (ii) that a prisoner serving a sentence for attempt to
18 commit terrorism, attempt to commit first degree murder,
19 solicitation of murder, solicitation of murder for hire,
20 intentional homicide of an unborn child, predatory
21 criminal sexual assault of a child, aggravated criminal
22 sexual assault, criminal sexual assault, aggravated
23 kidnapping, aggravated battery with a firearm as described
24 in Section 12-4.2 or subdivision (e) (1), (e) (2), (e) (3), or
25 (e) (4) of Section 12-3.05, heinous battery as described in
26 Section 12-4.1 or subdivision (a) (2) of Section 12-3.05,

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

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

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

24 (v) that a person serving a sentence for gunrunning,
25 narcotics racketeering, controlled substance trafficking,
26 methamphetamine trafficking, drug-induced homicide,

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

19 (vi) that a prisoner serving a sentence for a second or
20 subsequent offense of luring a minor shall receive no more
21 than 4.5 days of sentence credit for each month of his or
22 her sentence of imprisonment; and

23 (vii) that a prisoner serving a sentence for aggravated
24 domestic battery shall receive no more than 4.5 days of
25 sentence credit for each month of his or her sentence of
26 imprisonment.

1 (2.1) For all offenses, other than those enumerated in
2 subdivision (a)(2)(i), (ii), or (iii) committed on or after
3 June 19, 1998 or subdivision (a)(2)(iv) committed on or after
4 June 23, 2005 (the effective date of Public Act 94-71) or
5 subdivision (a)(2)(v) committed on or after August 13, 2007
6 (the effective date of Public Act 95-134) or subdivision
7 (a)(2)(vi) committed on or after June 1, 2008 (the effective
8 date of Public Act 95-625) or subdivision (a)(2)(vii) committed
9 on or after July 23, 2010 (the effective date of Public Act
10 96-1224), and other than the offense 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 (F) of paragraph (1) of subsection
14 (d) of Section 11-501 of the Illinois Vehicle Code, and other
15 than the offense of aggravated driving under the influence of
16 alcohol, other drug or drugs, or intoxicating compound or
17 compounds, or any combination thereof as defined in
18 subparagraph (C) of paragraph (1) of subsection (d) of Section
19 11-501 of the Illinois Vehicle Code committed on or after
20 January 1, 2011 (the effective date of Public Act 96-1230), the
21 rules and regulations shall provide that a prisoner who is
22 serving a term of imprisonment shall receive one day of
23 sentence credit for each day of his or her sentence of
24 imprisonment or recommitment under Section 3-3-9. Each day of
25 sentence credit shall reduce by one day the prisoner's period
26 of imprisonment or recommitment under Section 3-3-9.

1 (2.2) A prisoner serving a term of natural life
2 imprisonment or a prisoner who has been sentenced to death
3 shall receive no sentence credit.

4 (2.3) Except as provided in paragraph (4.7) of this
5 subsection (a), the ~~The~~ rules and regulations on sentence
6 credit shall provide that a prisoner who is serving a sentence
7 for aggravated driving under the influence of alcohol, other
8 drug or drugs, or intoxicating compound or compounds, or any
9 combination thereof as defined in subparagraph (F) of paragraph
10 (1) of subsection (d) of Section 11-501 of the Illinois Vehicle
11 Code, shall receive no more than 4.5 days of sentence credit
12 for each month of his or her sentence of imprisonment.

13 (2.4) Except as provided in paragraph (4.7) of this
14 subsection (a), the ~~The~~ rules and regulations on sentence
15 credit shall provide with respect to the offenses of aggravated
16 battery with a machine gun or a firearm equipped with any
17 device or attachment designed or used for silencing the report
18 of a firearm or aggravated discharge of a machine gun or a
19 firearm equipped with any device or attachment designed or used
20 for silencing the report of a firearm, committed on or after
21 July 15, 1999 (the effective date of Public Act 91-121), that a
22 prisoner serving a sentence for any of these offenses shall
23 receive no more than 4.5 days of sentence credit for each month
24 of his or her sentence of imprisonment.

25 (2.5) Except as provided in paragraph (4.7) of this
26 subsection (a), the ~~The~~ rules and regulations on sentence

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

6 (2.6) Except as provided in paragraph (4.7) of this
7 subsection (a), the ~~The~~ rules and regulations on sentence
8 credit shall provide that a prisoner who is serving a sentence
9 for aggravated driving under the influence of alcohol, other
10 drug or drugs, or intoxicating compound or compounds or any
11 combination thereof as defined in subparagraph (C) of paragraph
12 (1) of subsection (d) of Section 11-501 of the Illinois Vehicle
13 Code committed on or after January 1, 2011 (the effective date
14 of Public Act 96-1230) shall receive no more than 4.5 days of
15 sentence credit for each month of his or her sentence of
16 imprisonment.

17 (3) Except as provided in paragraph (4.7) of this
18 subsection (a), the ~~The~~ rules and regulations shall also
19 provide that the Director may award up to 180 days additional
20 sentence credit for good conduct in specific instances as the
21 Director deems proper. The good conduct may include, but is not
22 limited to, compliance with the rules and regulations of the
23 Department, service to the Department, service to a community,
24 or service to the State. ~~However, the Director shall not award~~
25 ~~more than 90 days of sentence credit for good conduct to any~~
26 ~~prisoner who is serving a sentence for conviction of first~~

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

1 ~~is committed on or after June 1, 2008 (the effective date of~~
2 ~~Public Act 95-625) or subdivision (a)(2)(vii) when the offense~~
3 ~~is committed on or after July 23, 2010 (the effective date of~~
4 ~~Public Act 96-1224), (ii) aggravated driving under the~~
5 ~~influence of alcohol, other drug or drugs, or intoxicating~~
6 ~~compound or compounds, or any combination thereof as defined in~~
7 ~~subparagraph (F) of paragraph (1) of subsection (d) of Section~~
8 ~~11-501 of the Illinois Vehicle Code, (iii) one of the offenses~~
9 ~~enumerated in subdivision (a)(2.4) when the offense is~~
10 ~~committed on or after July 15, 1999 (the effective date of~~
11 ~~Public Act 91-121), (iv) aggravated arson when the offense is~~
12 ~~committed on or after July 27, 2001 (the effective date of~~
13 ~~Public Act 92-176), (v) offenses that may subject the offender~~
14 ~~to commitment under the Sexually Violent Persons Commitment~~
15 ~~Act, or (vi) aggravated driving under the influence of alcohol,~~
16 ~~other drug or drugs, or intoxicating compound or compounds or~~
17 ~~any combination thereof as defined in subparagraph (C) of~~
18 ~~paragraph (1) of subsection (d) of Section 11-501 of the~~
19 ~~Illinois Vehicle Code committed on or after January 1, 2011~~
20 ~~(the effective date of Public Act 96-1230).~~

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

1 Crime Victims and Witnesses Act, facts and circumstances of the
2 inmate's holding offense or offenses, and the potential for
3 rehabilitation.

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

11 (A) is eligible for the sentence credit;

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

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

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

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

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

26 (B) the average amount of sentence credit for good

1 conduct awarded;

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

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

6 (4) Except as provided in paragraph (4.7) of this
7 subsection (a), the ~~The~~ rules and regulations shall also
8 provide that the sentence credit accumulated and retained under
9 paragraph (2.1) of subsection (a) of this Section by any inmate
10 during specific periods of time in which such inmate is engaged
11 full-time in substance abuse programs, correctional industry
12 assignments, educational programs, behavior modification
13 programs, life skills courses, or re-entry planning provided by
14 the Department under this paragraph (4) and satisfactorily
15 completes the assigned program as determined by the standards
16 of the Department, shall be multiplied by a factor of 1.25 for
17 program participation before August 11, 1993 and 1.50 for
18 program participation on or after that date. The rules and
19 regulations shall also provide that sentence credit, subject to
20 the same offense limits and multiplier provided in this
21 paragraph, may be provided to an inmate who was held in
22 pre-trial detention prior to his or her current commitment to
23 the Department of Corrections and successfully completed a
24 full-time, 60-day or longer substance abuse program,
25 educational program, behavior modification program, life
26 skills course, or re-entry planning provided by the county

1 department of corrections or county jail. Calculation of this
2 county program credit shall be done at sentencing as provided
3 in Section 5-4.5-100 of this Code and shall be included in the
4 sentencing order. However, no inmate shall be eligible for the
5 additional sentence credit under this paragraph (4) or (4.1) of
6 this subsection (a) while assigned to a boot camp or electronic
7 detention, ~~or if convicted of an offense enumerated in~~
8 ~~subdivision (a) (2) (i), (ii), or (iii) of this Section that is~~
9 ~~committed on or after June 19, 1998 or subdivision (a) (2) (iv)~~
10 ~~of this Section that is committed on or after June 23, 2005~~
11 ~~(the effective date of Public Act 94-71) or subdivision~~
12 ~~(a) (2) (v) of this Section that is committed on or after August~~
13 ~~13, 2007 (the effective date of Public Act 95-134) or~~
14 ~~subdivision (a) (2) (vi) when the offense is committed on or~~
15 ~~after June 1, 2008 (the effective date of Public Act 95-625) or~~
16 ~~subdivision (a) (2) (vii) when the offense is committed on or~~
17 ~~after July 23, 2010 (the effective date of Public Act 96-1224),~~
18 ~~or if convicted of aggravated driving under the influence of~~
19 ~~alcohol, other drug or drugs, or intoxicating compound or~~
20 ~~compounds or any combination thereof as defined in subparagraph~~
21 ~~(F) of paragraph (1) of subsection (d) of Section 11-501 of the~~
22 ~~Illinois Vehicle Code, or if convicted of aggravated driving~~
23 ~~under the influence of alcohol, other drug or drugs, or~~
24 ~~intoxicating compound or compounds or any combination thereof~~
25 ~~as defined in subparagraph (C) of paragraph (1) of subsection~~
26 ~~(d) of Section 11-501 of the Illinois Vehicle Code committed on~~

1 ~~or after January 1, 2011 (the effective date of Public Act~~
2 ~~96-1230), or if convicted of an offense enumerated in paragraph~~
3 ~~(a) (2.4) of this Section that is committed on or after July 15,~~
4 ~~1999 (the effective date of Public Act 91-121), or first degree~~
5 ~~murder, a Class X felony, criminal sexual assault, felony~~
6 ~~criminal sexual abuse, aggravated criminal sexual abuse,~~
7 ~~aggravated battery with a firearm as described in Section~~
8 ~~12-4.2 or subdivision (c) (1), (c) (2), (c) (3), or (c) (4) of~~
9 ~~Section 12-3.05, or any predecessor or successor offenses with~~
10 ~~the same or substantially the same elements, or any inchoate~~
11 ~~offenses relating to the foregoing offenses. No inmate shall be~~
12 eligible for the additional good conduct credit under this
13 paragraph (4) who (i) has previously received increased good
14 conduct credit under this paragraph (4) and has subsequently
15 been convicted of a felony, or (ii) has previously served more
16 than one prior sentence of imprisonment for a felony in an
17 adult correctional facility.

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

1 program participants.

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

13 (4.1) Except as provided in paragraph (4.7) of this
14 subsection (a), the ~~The~~ rules and regulations shall also
15 provide that an additional 90 days of sentence credit shall be
16 awarded to any prisoner who passes high school equivalency
17 testing while the prisoner is committed to the Department of
18 Corrections. The sentence credit awarded under this paragraph
19 (4.1) shall be in addition to, and shall not affect, the award
20 of sentence credit under any other paragraph of this Section,
21 but shall also be pursuant to the guidelines and restrictions
22 set forth in paragraph (4) of subsection (a) of this Section.
23 The sentence credit provided for in this paragraph shall be
24 available only to those prisoners who have not previously
25 earned a high school diploma or a high school equivalency
26 certificate. If, after an award of the high school equivalency

1 testing sentence credit has been made, the Department
2 determines that the prisoner was not eligible, then the award
3 shall be revoked. The Department may also award 90 days of
4 sentence credit to any committed person who passed high school
5 equivalency testing while he or she was held in pre-trial
6 detention prior to the current commitment to the Department of
7 Corrections.

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

1 waiting list to participate in and complete a substance abuse
2 education class or attend substance abuse self-help meetings in
3 lieu of a substance abuse treatment program. A prisoner on a
4 waiting list who is not placed in a substance abuse program
5 prior to release may be eligible for a waiver and receive
6 sentence credit under clause (3) of this subsection (a) at the
7 discretion of the Director.

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

19 (4.7) On or after the effective date of this amendatory Act
20 of the 100th General Assembly, sentence credit under paragraph
21 (3), (4), or (4.1) of this subsection (a) may be awarded to a
22 prisoner who is serving a sentence for an offense described in
23 paragraph (2), (2.3), (2.4), (2.5), or (2.6) for credit earned
24 on or after the effective date of this amendatory Act of the
25 100th General Assembly; provided, the award of the credits
26 under this paragraph (4.7) shall not reduce the sentence of the

1 prisoner to less than the following amounts:

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

4 (ii) 60% of his or her sentence if the prisoner is
5 required to serve 75% of his or her sentence, except if the
6 prisoner is serving a sentence for gunrunning his or her
7 sentence shall not be reduced to less than 75%.

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

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

1 conviction was imposed. The identification information shall
2 be placed on the website within 3 days of the inmate's release
3 and the information may not be removed until either: completion
4 of the first year of mandatory supervised release or return of
5 the inmate to custody of the Department.

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

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

19 When the Department seeks to revoke, suspend or reduce the
20 rate of accumulation of any sentence credits for an alleged
21 infraction of its rules, it shall bring charges therefor
22 against the prisoner sought to be so deprived of sentence
23 credits before the Prisoner Review Board as provided in
24 subparagraph (a)(4) of Section 3-3-2 of this Code, if the
25 amount of credit at issue exceeds 30 days or when during any 12
26 month period, the cumulative amount of credit revoked exceeds

1 30 days except where the infraction is committed or discovered
2 within 60 days of scheduled release. In those cases, the
3 Department of Corrections may revoke up to 30 days of sentence
4 credit. The Board may subsequently approve the revocation of
5 additional sentence credit, if the Department seeks to revoke
6 sentence credit in excess of 30 days. However, the Board shall
7 not be empowered to review the Department's decision with
8 respect to the loss of 30 days of sentence credit within any
9 calendar year for any prisoner or to increase any penalty
10 beyond the length requested by the Department.

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

18 Nothing contained in this Section shall prohibit the
19 Prisoner Review Board from ordering, pursuant to Section
20 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the
21 sentence imposed by the court that was not served due to the
22 accumulation of sentence credit.

23 (d) If a lawsuit is filed by a prisoner in an Illinois or
24 federal court against the State, the Department of Corrections,
25 or the Prisoner Review Board, or against any of their officers
26 or employees, and the court makes a specific finding that a

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

10 For purposes of this subsection (d):

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

15 (A) it lacks an arguable basis either in law or in
16 fact;

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

20 (C) the claims, defenses, and other legal
21 contentions therein are not warranted by existing law
22 or by a nonfrivolous argument for the extension,
23 modification, or reversal of existing law or the
24 establishment of new law;

25 (D) the allegations and other factual contentions
26 do not have evidentiary support or, if specifically so

1 identified, are not likely to have evidentiary support
2 after a reasonable opportunity for further
3 investigation or discovery; or

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

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

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

21 (f) Whenever the Department is to release any inmate who
22 has been convicted of a violation of an order of protection
23 under Section 12-3.4 or 12-30 of the Criminal Code of 1961 or
24 the Criminal Code of 2012, earlier than it otherwise would
25 because of a grant of sentence credit, the Department, as a
26 condition of release, shall require that the person, upon

1 release, be placed under electronic surveillance as provided in
2 Section 5-8A-7 of this Code.

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

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

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

7 (a) Except when the death penalty is sought under hearing
8 procedures otherwise specified, after a determination of
9 guilt, a hearing shall be held to impose the sentence. However,
10 prior to the imposition of sentence on an individual being
11 sentenced for an offense based upon a charge for a violation of
12 Section 11-501 of the Illinois Vehicle Code or a similar
13 provision of a local ordinance, the individual must undergo a
14 professional evaluation to determine if an alcohol or other
15 drug abuse problem exists and the extent of such a problem.
16 Programs conducting these evaluations shall be licensed by the
17 Department of Human Services. However, if the individual is not
18 a resident of Illinois, the court may, in its discretion,
19 accept an evaluation from a program in the state of such
20 individual's residence. The court may in its sentencing order
21 approve an eligible defendant for placement in a Department of
22 Corrections impact incarceration program as provided in
23 Section 5-8-1.1 or 5-8-1.3. The court may in its sentencing
24 order recommend a defendant for placement in a Department of
25 Corrections substance abuse treatment program as provided in

1 paragraph (a) of subsection (1) of Section 3-2-2 conditioned
2 upon the defendant being accepted in a program by the
3 Department of Corrections. At the hearing the court shall:

4 (1) consider the evidence, if any, received upon the
5 trial;

6 (2) consider any presentence reports;

7 (3) consider the financial impact of incarceration
8 based on the financial impact statement filed with the
9 clerk of the court by the Department of Corrections;

10 (4) consider evidence and information offered by the
11 parties in aggravation and mitigation;

12 (4.5) consider substance abuse treatment, eligibility
13 screening, and an assessment, if any, of the defendant by
14 an agent designated by the State of Illinois to provide
15 assessment services for the Illinois courts;

16 (5) hear arguments as to sentencing alternatives;

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

19 (7) afford the victim of a violent crime or a violation
20 of Section 11-501 of the Illinois Vehicle Code, or a
21 similar provision of a local ordinance, or a qualified
22 individual affected by: (i) a violation of Section 405,
23 405.1, 405.2, or 407 of the Illinois Controlled Substances
24 Act or a violation of Section 55 or Section 65 of the
25 Methamphetamine Control and Community Protection Act, or
26 (ii) a Class 4 felony violation of Section 11-14, 11-14.3

1 except as described in subdivisions (a)(2)(A) and
2 (a)(2)(B), 11-15, 11-17, 11-18, 11-18.1, or 11-19 of the
3 Criminal Code of 1961 or the Criminal Code of 2012,
4 committed by the defendant the opportunity to make a
5 statement concerning the impact on the victim and to offer
6 evidence in aggravation or mitigation; provided that the
7 statement and evidence offered in aggravation or
8 mitigation must first be prepared in writing in conjunction
9 with the State's Attorney before it may be presented orally
10 at the hearing. Any sworn testimony offered by the victim
11 is subject to the defendant's right to cross-examine. All
12 statements and evidence offered under this paragraph (7)
13 shall become part of the record of the court. For the
14 purpose of this paragraph (7), "qualified individual"
15 means any person who (i) lived or worked within the
16 territorial jurisdiction where the offense took place when
17 the offense took place; and (ii) is familiar with various
18 public places within the territorial jurisdiction where
19 the offense took place when the offense took place. For the
20 purposes of this paragraph (7), "qualified individual"
21 includes any peace officer, or any member of any duly
22 organized State, county, or municipal peace unit assigned
23 to the territorial jurisdiction where the offense took
24 place when the offense took place;

25 (8) in cases of reckless homicide afford the victim's
26 spouse, guardians, parents or other immediate family

1 members an opportunity to make oral statements;

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

6 (10) make a finding of whether a motor vehicle was used
7 in the commission of the offense for which the defendant is
8 being sentenced.

9 (b) All sentences shall be imposed by the judge based upon
10 his independent assessment of the elements specified above and
11 any agreement as to sentence reached by the parties. The judge
12 who presided at the trial or the judge who accepted the plea of
13 guilty shall impose the sentence unless he is no longer sitting
14 as a judge in that court. Where the judge does not impose
15 sentence at the same time on all defendants who are convicted
16 as a result of being involved in the same offense, the
17 defendant or the State's Attorney may advise the sentencing
18 court of the disposition of any other defendants who have been
19 sentenced.

20 (b-1) In imposing a sentence of imprisonment or periodic
21 imprisonment for a Class 3 or Class 4 felony for which a
22 sentence of probation or conditional discharge is an available
23 sentence, if the defendant has no prior sentence of probation
24 or conditional discharge and no prior conviction for a violent
25 crime, the defendant shall not be sentenced to imprisonment
26 before review and consideration of a presentence report and

1 determination and explanation of why the particular evidence,
2 information, factor in aggravation, factual finding, or other
3 reasons support a sentencing determination that one or more of
4 the factors under subsection (a) of Section 5-6-1 of this Code
5 apply and that probation or conditional discharge is not an
6 appropriate sentence.

7 (c) In imposing a sentence for a violent crime or for an
8 offense of operating or being in physical control of a vehicle
9 while under the influence of alcohol, any other drug or any
10 combination thereof, or a similar provision of a local
11 ordinance, when such offense resulted in the personal injury to
12 someone other than the defendant, the trial judge shall specify
13 on the record the particular evidence, information, factors in
14 mitigation and aggravation or other reasons that led to his
15 sentencing determination. The full verbatim record of the
16 sentencing hearing shall be filed with the clerk of the court
17 and shall be a public record.

18 (c-1) In imposing a sentence for the offense of aggravated
19 kidnapping for ransom, home invasion, armed robbery,
20 aggravated vehicular hijacking, aggravated discharge of a
21 firearm, or armed violence with a category I weapon or category
22 II weapon, the trial judge shall make a finding as to whether
23 the conduct leading to conviction for the offense resulted in
24 great bodily harm to a victim, and shall enter that finding and
25 the basis for that finding in the record.

26 (c-2) If the defendant is sentenced to prison, other than

1 when a sentence of natural life imprisonment or a sentence of
2 death is imposed, at the time the sentence is imposed the judge
3 shall state on the record in open court the approximate period
4 of time the defendant will serve in custody according to the
5 then current statutory rules and regulations for sentence
6 credit found in Section 3-6-3 and other related provisions of
7 this Code. This statement is intended solely to inform the
8 public, has no legal effect on the defendant's actual release,
9 and may not be relied on by the defendant on appeal.

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

14 "The purpose of this statement is to inform the public of
15 the actual period of time this defendant is likely to spend in
16 prison as a result of this sentence. The actual period of
17 prison time served is determined by the statutes of Illinois as
18 applied to this sentence by the Illinois Department of
19 Corrections and the Illinois Prisoner Review Board. In this
20 case, assuming the defendant receives all of his or her
21 sentence credit, the period of estimated actual custody is ...
22 years and ... months, less up to 180 days additional sentence
23 credit for good conduct. If the defendant, because of his or
24 her own misconduct or failure to comply with the institutional
25 regulations, does not receive those credits, the actual time
26 served in prison will be longer. The defendant may also receive

1 an additional one-half day sentence credit for each day of
2 participation in vocational, industry, substance abuse, and
3 educational programs as provided for by Illinois statute."

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

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

1 applied to this sentence by the Illinois Department of
2 Corrections and the Illinois Prisoner Review Board. In this
3 case, assuming the defendant receives all of his or her
4 sentence credit, the period of estimated actual custody is ...
5 years and ... months, ~~less up to 90 days additional sentence~~
6 ~~credit for good conduct~~. If the defendant, because of his or
7 her own misconduct or failure to comply with the institutional
8 regulations, does not receive those credits, the actual time
9 served in prison will be longer. The defendant may also receive
10 an additional one-half day sentence credit for each day of
11 participation in vocational, industry, substance abuse, and
12 educational programs as provided for by Illinois statute."

13 When the sentence is imposed for one of the offenses
14 enumerated in paragraph (a)(2) of Section 3-6-3, other than
15 first degree murder, and the offense was committed on or after
16 June 19, 1998, and when the sentence is imposed for reckless
17 homicide as defined in subsection (e) of Section 9-3 of the
18 Criminal Code of 1961 or the Criminal Code of 2012 if the
19 offense was committed on or after January 1, 1999, and when the
20 sentence is imposed for aggravated driving under the influence
21 of alcohol, other drug or drugs, or intoxicating compound or
22 compounds, or any combination thereof as defined in
23 subparagraph (F) of paragraph (1) of subsection (d) of Section
24 11-501 of the Illinois Vehicle Code, and when the sentence is
25 imposed for aggravated arson if the offense was committed on or
26 after July 27, 2001 (the effective date of Public Act 92-176),

1 and when the sentence is imposed for aggravated driving under
2 the influence of alcohol, other drug or drugs, or intoxicating
3 compound or 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, the defendant is entitled to no more than 4 1/2 days of
16 sentence credit for each month of his or her sentence of
17 imprisonment. Therefore, this defendant will serve at least 85%
18 of his or her sentence. Assuming the defendant receives 4 1/2
19 days credit for each month of his or her sentence, the period
20 of estimated actual custody is ... years and ... months. If the
21 defendant, because of his or her own misconduct or failure to
22 comply with the institutional regulations receives lesser
23 credit, the actual time served in prison will be longer."

24 When a sentence of imprisonment is imposed for first degree
25 murder and the offense was committed on or after June 19, 1998,
26 the judge's statement, to be given after pronouncing the

1 sentence, shall include the following:

2 "The purpose of this statement is to inform the public of
3 the actual period of time this defendant is likely to spend in
4 prison as a result of this sentence. The actual period of
5 prison time served is determined by the statutes of Illinois as
6 applied to this sentence by the Illinois Department of
7 Corrections and the Illinois Prisoner Review Board. In this
8 case, the defendant is not entitled to sentence credit.
9 Therefore, this defendant will serve 100% of his or her
10 sentence."

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

19 "The purpose of this statement is to inform the public of
20 the actual period of time this defendant is likely to spend in
21 prison as a result of this sentence. The actual period of
22 prison time served is determined by the statutes of Illinois as
23 applied to this sentence by the Illinois Department of
24 Corrections and the Illinois Prisoner Review Board. In this
25 case, the defendant shall receive no sentence credit for good
26 conduct under clause (3) of subsection (a) of Section 3-6-3

1 until he or she participates in and completes a substance abuse
2 treatment program or receives a waiver from the Director of
3 Corrections pursuant to clause (4.5) of subsection (a) of
4 Section 3-6-3."

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

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

22 (2) consider the treatment recommendations of any
23 diagnosing or treating mental health professionals
24 together with the treatment options available to the
25 defendant in imposing sentence.

26 For the purposes of this subsection (c-4), "qualified

1 psychiatrist" means a reputable physician licensed in Illinois
2 to practice medicine in all its branches, who has specialized
3 in the diagnosis and treatment of mental and nervous disorders
4 for a period of not less than 5 years.

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

9 (d) When the defendant is committed to the Department of
10 Corrections, the State's Attorney shall and counsel for the
11 defendant may file a statement with the clerk of the court to
12 be transmitted to the department, agency or institution to
13 which the defendant is committed to furnish such department,
14 agency or institution with the facts and circumstances of the
15 offense for which the person was committed together with all
16 other factual information accessible to them in regard to the
17 person prior to his commitment relative to his habits,
18 associates, disposition and reputation and any other facts and
19 circumstances which may aid such department, agency or
20 institution during its custody of such person. The clerk shall
21 within 10 days after receiving any such statements transmit a
22 copy to such department, agency or institution and a copy to
23 the other party, provided, however, that this shall not be
24 cause for delay in conveying the person to the department,
25 agency or institution to which he has been committed.

26 (e) The clerk of the court shall transmit to the

1 department, agency or institution, if any, to which the
2 defendant is committed, the following:

3 (1) the sentence imposed;

4 (2) any statement by the court of the basis for
5 imposing the sentence;

6 (3) any presentence reports;

7 (3.5) any sex offender evaluations;

8 (3.6) any substance abuse treatment eligibility
9 screening and assessment of the defendant by an agent
10 designated by the State of Illinois to provide assessment
11 services for the Illinois courts;

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

16 (4.1) any finding of great bodily harm made by the
17 court with respect to an offense enumerated in subsection
18 (c-1);

19 (5) all statements filed under subsection (d) of this
20 Section;

21 (6) any medical or mental health records or summaries
22 of the defendant;

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

26 (8) all statements made and evidence offered under

1 paragraph (7) of subsection (a) of this Section; and
2 (9) all additional matters which the court directs the
3 clerk to transmit.

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

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

10 (730 ILCS 5/5-4.5-25)

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

13 (a) TERM. The sentence of imprisonment shall be a
14 determinate sentence of not less than 6 years and not more than
15 30 years. The sentence of imprisonment for an extended term
16 Class X felony, as provided in Section 5-8-2 (730 ILCS
17 5/5-8-2), shall be not less than 30 years and not more than 60
18 years.

19 (b) PERIODIC IMPRISONMENT. A term of periodic imprisonment
20 shall not be imposed.

21 (c) IMPACT INCARCERATION. The impact incarceration program
22 or the county impact incarceration program is not an authorized
23 disposition.

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

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

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

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

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

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

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

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

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

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

24 (730 ILCS 5/5-4.5-30)

25 Sec. 5-4.5-30. CLASS 1 FELONIES; SENTENCE. For a Class 1

1 felony:

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

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

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

18 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
19 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the
20 period of probation or conditional discharge shall not exceed 4
21 years. The court shall specify the conditions of probation or
22 conditional discharge as set forth in Section 5-6-3 (730 ILCS
23 5/5-6-3). In no case shall an offender be eligible for a
24 disposition of probation or conditional discharge for a Class 1
25 felony committed while he or she was serving a term of
26 probation or conditional discharge for a felony.

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

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

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

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

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

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

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

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

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

25 (730 ILCS 5/5-4.5-35)

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

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

9 (b) PERIODIC IMPRISONMENT. A sentence of periodic
10 imprisonment shall be for a definite term of from 18 to 30
11 months, except as otherwise provided in Section 5-5-3 or 5-7-1
12 (730 ILCS 5/5-5-3 or 5/5-7-1).

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

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

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

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

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

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

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

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

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

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

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

21 (730 ILCS 5/5-4.5-95)

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

23 (a) HABITUAL CRIMINALS.

24 (1) Every person who has been twice convicted in any
25 state or federal court of an offense that contains the same

1 elements as an offense now (the date of the offense
2 committed after the 2 prior convictions) classified in
3 Illinois as a Class X felony, criminal sexual assault,
4 aggravated kidnapping, or first degree murder, and who is
5 thereafter convicted of a Class X felony, criminal sexual
6 assault, or first degree murder, committed after the 2
7 prior convictions, shall be adjudged an habitual criminal.

8 (2) The 2 prior convictions need not have been for the
9 same offense.

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

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

16 (A) The third offense was committed after July 3,
17 1980.

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

22 (C) The third offense was committed after
23 conviction on the second offense.

24 (D) The second offense was committed after
25 conviction on the first offense.

26 (5) Anyone who, having attained the age of 18 at the

1 time of the third offense, is adjudged an habitual criminal
2 shall be sentenced to a term of natural life imprisonment.

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

23 (7) A duly authenticated copy of the record of any
24 alleged former conviction of an offense set forth in this
25 Section shall be prima facie evidence of that former
26 conviction; and a duly authenticated copy of the record of

1 the defendant's final release or discharge from probation
2 granted, or from sentence and parole supervision (if any)
3 imposed pursuant to that former conviction, shall be prima
4 facie evidence of that release or discharge.

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

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

18 (b) When a defendant, over the age of 21 years, is
19 convicted of a Class 1 or Class 2 felony, except for an offense
20 listed in subsection (c) of this Section, after having twice
21 been convicted in any state or federal court of an offense that
22 contains the same elements as an offense now (the date the
23 Class 1 or Class 2 felony was committed) classified in Illinois
24 as a Class 2 or greater Class felony, except for an offense
25 listed in subsection (c) of this Section, and those charges are
26 separately brought and tried and arise out of different series

1 of acts, that defendant shall be sentenced as a Class X
2 offender. This subsection does not apply unless:

3 (1) the first felony was committed after February 1,
4 1978 (the effective date of Public Act 80-1099);

5 (2) the second felony was committed after conviction on
6 the first; and

7 (3) the third felony was committed after conviction on
8 the second.

9 (c) Subsection (b) of this Section does not apply to Class
10 1 or Class 2 felony convictions for a violation of:

11 (1) subsections (c) or (d) of Section 401, or
12 subsection (a) of Section 402 of the Illinois Controlled
13 Substances Act;

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

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

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

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

22 (730 ILCS 5/5-4.5-110 new)

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

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

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

3 "Qualifying predicate offense" means the following
4 offenses under the Criminal Code of 2012:

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

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

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

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

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

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

21 (G) aggravated criminal sexual assault under
22 Section 11-1.30 or similar offense under the Criminal
23 Code of 1961;

24 (H) predatory criminal sexual assault of a child
25 under Section 11-1.40 or similar offense under the
26 Criminal Code of 1961;

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

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

5 (K) aggravated vehicular hijacking under Section
6 18-4 or similar offense under the Criminal Code of
7 1961;

8 (L) home invasion with a firearm under paragraph
9 (3), (4), or (5) of subsection (a) of Section 19-6 or
10 similar offense under the Criminal Code of 1961;

11 (M) aggravated discharge of a firearm under
12 Section 24-1.2 or similar offense under the Criminal
13 Code of 1961;

14 (N) aggravated discharge of a machine gun or a
15 firearm equipped with a device designed or used for
16 silencing the report of a firearm under Section
17 24-1.2-5 or similar offense under the Criminal Code of
18 1961;

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

22 (P) manufacture, sale, or transfer of bullets or
23 shells represented to be armor piercing bullets,
24 dragon's breath shotgun shells, bolo shells, or
25 flechette shells under Section 24-2.2 or similar
26 offense under the Criminal Code of 1961;

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

4 (R) unlawful discharge of firearm projectiles
5 under Section 24-3.2 or similar offense under the
6 Criminal Code of 1961;

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

10 (T) unlawful purchase of a firearm under Section
11 24-3.5 or similar offense under the Criminal Code of
12 1961;

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

16 (V) possession of a stolen firearm under Section
17 24-3.8 or similar offense under the Criminal Code of
18 1961;

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

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

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

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

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

10 (c) SENTENCING GUIDELINES.

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

20 (2) When a person is convicted of aggravated unlawful
21 use of a weapon, when the weapon is a firearm, and that
22 person has been previously convicted of a qualifying
23 predicate offense, the person shall be sentenced to a term
24 of imprisonment within the sentencing range of not less
25 than 6 years and not more than 7 years, unless the court
26 finds that a departure from the sentencing guidelines under

1 this paragraph is warranted under subsection (d) of this
2 Section.

3 (d) DEPARTURE FROM SENTENCING GUIDELINES.

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

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

19 (A) the age, immaturity, or limited mental
20 capacity of the defendant at the time of commission of
21 the qualifying predicate or current offense, including
22 whether the defendant was suffering from a mental or
23 physical condition insufficient to constitute a
24 defense but significantly reduced the defendant's
25 culpability;

26 (B) the nature and circumstances of the qualifying

1 predicate offense;

2 (C) the time elapsed since the qualifying
3 predicate offense;

4 (D) the nature and circumstances of the current
5 offense;

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

7 (F) whether the defendant committed the qualifying
8 predicate or current offense under specific and
9 credible duress, coercion, threat, or compulsion;

10 (G) whether the defendant aided in the
11 apprehension of another felon or testified truthfully
12 on behalf of another prosecution of a felony;

13 (H) whether departure is in the interest of the
14 person's rehabilitation, including employment or
15 educational or vocational training, after taking into
16 account any past rehabilitation efforts or
17 dispositions of probation or supervision, and the
18 defendant's cooperation or response to rehabilitation;

19 and

20 (I) whether departure is in the interest of public
21 safety.

22 (3) When departing from the sentencing guidelines
23 under this Section, the court shall specify on the record,
24 the particular evidence, information, factor or factors,
25 or other reasons which led to the departure from the
26 sentencing guidelines. When departing from the sentencing

1 range in accordance with this subsection (d), the court
2 shall indicate on the sentencing order which departure
3 factor or factors outlined in paragraph (2) of this
4 subsection (d) led to the sentence imposed. The sentencing
5 order shall be filed with the clerk of the court and shall
6 be a public record.

7 (730 ILCS 5/5-6-3.3)

8 Sec. 5-6-3.3. Offender Initiative Program.

9 (a) Statement of purpose. The General Assembly seeks to
10 continue other successful programs that promote public safety,
11 conserve valuable resources, and reduce recidivism by
12 defendants who can lead productive lives by creating the
13 Offender Initiative Program.

14 (a-1) Whenever any person who has not previously been
15 convicted of, ~~or placed on probation or conditional discharge~~
16 ~~for~~, any felony offense under the laws of this State, the laws
17 of any other state, or the laws of the United States, is
18 arrested for and charged with a probationable felony offense of
19 theft, retail theft, forgery, possession of a stolen motor
20 vehicle, burglary, possession of burglary tools, deceptive
21 practices, disorderly conduct, criminal damage or trespass to
22 property under Article 21 of the Criminal Code of 2012,
23 criminal trespass to a residence, obstructing justice, or an
24 offense involving fraudulent identification, or possession of
25 cannabis, possession of a controlled substance, or possession

1 of methamphetamine, the court, with the consent of the
2 defendant and the State's Attorney, may continue this matter to
3 allow a defendant to participate and complete the Offender
4 Initiative Program.

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

19 (b) When a defendant is placed in the Program, after both
20 the defendant and State's Attorney waive preliminary hearing
21 pursuant to Section 109-3 of the Code of Criminal Procedure of
22 1963, the court shall enter an order specifying that the
23 proceedings shall be suspended while the defendant is
24 participating in a Program of not less 12 months.

25 (c) The conditions of the Program shall be that the
26 defendant:

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

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

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

7 (4) obtain employment or perform not less than 30 hours
8 of community service, provided community service is
9 available in the county and is funded and approved by the
10 county board; and

11 (5) attend educational courses designed to prepare the
12 defendant for obtaining a high school diploma or to work
13 toward passing high school equivalency testing or to work
14 toward completing a vocational training program.

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

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

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

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

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

4 (5) in addition, if a minor:

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

7 (ii) attend school;

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

9 or

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

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

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

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

1 (h) Notwithstanding subsection (a-1), if the court finds
2 that the defendant suffers from a substance abuse problem, then
3 before the person participates in the Program under this
4 Section, the court may refer the person to the drug court
5 established in that judicial circuit pursuant to Section 15 of
6 the Drug Court Treatment Act. The drug court team shall
7 evaluate the person's likelihood of successfully fulfilling
8 the terms and conditions of the Program under this Section and
9 shall report the results of its evaluation to the court. If the
10 drug court team finds that the person suffers from a substance
11 abuse problem that makes him or her substantially unlikely to
12 successfully fulfill the terms and conditions of the Program,
13 then the drug court shall set forth its findings in the form of
14 a written order, and the person shall be ineligible to
15 participate in the Program under this Section, but shall ~~may~~ be
16 considered for the drug court program.

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

18 (730 ILCS 5/5-6-3.4)

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

20 (a) Whenever any person who has not previously been
21 convicted of, ~~or placed on probation or conditional discharge~~
22 ~~for~~, any felony offense under the laws of this State, the laws
23 of any other state, or the laws of the United States, ~~including~~
24 ~~probation under Section 410 of the Illinois Controlled~~
25 ~~Substances Act, Section 70 of the Methamphetamine Control and~~

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

1 with the consent of the defendant and the State's Attorney,
2 may, without entering a judgment, sentence the defendant to
3 probation under this Section.

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

19 (b) When a defendant is placed on probation, the court
20 shall enter an order specifying a period of probation of not
21 less than 24 months and shall defer further proceedings in the
22 case until the conclusion of the period or until the filing of
23 a petition alleging violation of a term or condition of
24 probation.

25 (c) The conditions of probation shall be that the
26 defendant:

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

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

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

7 (4) obtain or attempt to obtain employment;

8 (5) pay fines and costs;

9 (6) attend educational courses designed to prepare the
10 defendant for obtaining a high school diploma or to work
11 toward passing high school equivalency testing or to work
12 toward completing a vocational training program;

13 (7) submit to periodic drug testing at a time and in a
14 manner as ordered by the court, but no less than 3 times
15 during the period of probation, with the cost of the
16 testing to be paid by the defendant; and

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

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

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

24 (2) undergo medical or psychiatric treatment, or
25 treatment or rehabilitation approved by the Illinois
26 Department of Human Services;

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

3 (4) support his or her dependents; or

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

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

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

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

23 (h) A person may only have ~~There may be only~~ one discharge
24 and dismissal under this Section within a 4-year period~~7~~
25 ~~Section 410 of the Illinois Controlled Substances Act, Section~~
26 ~~70 of the Methamphetamine Control and Community Protection Act,~~

1 ~~Section 10 of the Cannabis Control Act, Treatment Alternatives~~
2 ~~for Criminal Justice Clients (TASC) under Article 40 of the~~
3 ~~Alcoholism and Other Drug Abuse and Dependency Act, the~~
4 ~~Offender Initiative Program under Section 5-6-3.3 of this Code,~~
5 ~~and subsection (c) of Section 11-14 of the Criminal Code of~~
6 ~~2012 with respect to any person.~~

7 (i) If a person is convicted of any offense which occurred
8 within 5 years subsequent to a discharge and dismissal under
9 this Section, the discharge and dismissal under this Section
10 shall be admissible in the sentencing proceeding for that
11 conviction as evidence in aggravation.

12 (j) Notwithstanding subsection (a), if the court finds that
13 the defendant suffers from a substance abuse problem, then
14 before the person is placed on probation under this Section,
15 the court may refer the person to the drug court established in
16 that judicial circuit pursuant to Section 15 of the Drug Court
17 Treatment Act. The drug court team shall evaluate the person's
18 likelihood of successfully fulfilling the terms and conditions
19 of probation under this Section and shall report the results of
20 its evaluation to the court. If the drug court team finds that
21 the person suffers from a substance abuse problem that makes
22 him or her substantially unlikely to successfully fulfill the
23 terms and conditions of probation under this Section, then the
24 drug court shall set forth its findings in the form of a
25 written order, and the person shall be ineligible to be placed
26 on probation under this Section, but shall ~~may~~ be considered

1 for the drug court program.

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

4 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

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

7 (a) Except as otherwise provided in the statute defining
8 the offense or in Article 4.5 of Chapter V, a sentence of
9 imprisonment for a felony shall be a determinate sentence set
10 by the court under this Section, according to the following
11 limitations:

12 (1) for first degree murder,

13 (a) (blank),

14 (b) if a trier of fact finds beyond a reasonable
15 doubt that the murder was accompanied by exceptionally
16 brutal or heinous behavior indicative of wanton
17 cruelty or, except as set forth in subsection (a) (1) (c)
18 of this Section, that any of the aggravating factors
19 listed in subsection (b) or (b-5) of Section 9-1 of the
20 Criminal Code of 1961 or the Criminal Code of 2012 are
21 present, the court may sentence the defendant, subject
22 to Section 5-4.5-105, to a term of natural life
23 imprisonment, or

24 (c) the court shall sentence the defendant to a
25 term of natural life imprisonment if the defendant, at

1 the time of the commission of the murder, had attained
2 the age of 18, and

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

5 (ii) is found guilty of murdering more than one
6 victim, or

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

19 (iv) is found guilty of murdering an employee
20 of an institution or facility of the Department of
21 Corrections, or any similar local correctional
22 agency, when the employee was killed in the course
23 of performing his official duties, or to prevent
24 the employee from performing his official duties,
25 or in retaliation for the employee performing his
26 official duties, or

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

17 (vi) (blank), or

18 (vii) is found guilty of first degree murder
19 and the murder was committed by reason of any
20 person's activity as a community policing
21 volunteer or to prevent any person from engaging in
22 activity as a community policing volunteer. For
23 the purpose of this Section, "community policing
24 volunteer" has the meaning ascribed to it in
25 Section 2-3.5 of the Criminal Code of 2012.

26 For purposes of clause (v), "emergency medical

1 technician - ambulance", "emergency medical technician
2 - intermediate", "emergency medical technician -
3 paramedic", have the meanings ascribed to them in the
4 Emergency Medical Services (EMS) Systems Act.

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

8 (ii) if, during the commission of the offense,
9 the person personally discharged a firearm, 20
10 years shall be added to the term of imprisonment
11 imposed by the court;

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

19 (2) (blank);

20 (2.5) for a person who has attained the age of 18 years
21 at the time of the commission of the offense and who is
22 convicted under the circumstances described in subdivision
23 (b) (1) (B) of Section 11-1.20 or paragraph (3) of subsection
24 (b) of Section 12-13, subdivision (d) (2) of Section 11-1.30
25 or paragraph (2) of subsection (d) of Section 12-14,
26 subdivision (b) (1.2) of Section 11-1.40 or paragraph (1.2)

1 of subsection (b) of Section 12-14.1, subdivision (b) (2) of
2 Section 11-1.40 or paragraph (2) of subsection (b) of
3 Section 12-14.1 of the Criminal Code of 1961 or the
4 Criminal Code of 2012, the sentence shall be a term of
5 natural life imprisonment.

6 (b) (Blank).

7 (c) (Blank).

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

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

21 (1.5) for a Class X felony except for the offenses of
22 predatory criminal sexual assault of a child, aggravated
23 criminal sexual assault, and criminal sexual assault if
24 committed on or after December 13, 2005 (the effective date
25 of Public Act 94-715) and except for the offense of
26 aggravated child pornography under Section 11-20.1B,

1 11-20.3, or 11-20.1 with sentencing under subsection (c-5)
2 of Section 11-20.1 of the Criminal Code of 1961 or the
3 Criminal Code of 2012, if committed on or after January 1,
4 2009, 18 months;

5 (2) for a Class 1 felony or a Class 2 felony except for
6 the offense of criminal sexual assault if committed on or
7 after December 13, 2005 (the effective date of Public Act
8 94-715) ~~this amendatory Act of the 94th General Assembly~~
9 and except for the offenses of manufacture and
10 dissemination of child pornography under clauses (a)(1)
11 and (a)(2) of Section 11-20.1 of the Criminal Code of 1961
12 or the Criminal Code of 2012, if committed on or after
13 January 1, 2009, 18 months; ~~2 years;~~

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

15 (4) for defendants who commit the offense of predatory
16 criminal sexual assault of a child, aggravated criminal
17 sexual assault, or criminal sexual assault, on or after
18 December 13, 2005 (the effective date of Public Act 94-715)
19 ~~this amendatory Act of the 94th General Assembly~~, or who
20 commit the offense of aggravated child pornography under
21 Section 11-20.1B, 11-20.3, or 11-20.1 with sentencing
22 under subsection (c-5) of Section 11-20.1 of the Criminal
23 Code of 1961 or the Criminal Code of 2012, manufacture of
24 child pornography, or dissemination of child pornography
25 after January 1, 2009, the term of mandatory supervised
26 release shall range from a minimum of 3 years to a maximum

1 of the natural life of the defendant;

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

8 (6) for a felony domestic battery, aggravated domestic
9 battery, stalking, aggravated stalking, and a felony
10 violation of an order of protection, 4 years.

11 (e) (Blank).

12 (f) (Blank).

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

14 (730 ILCS 5/5-8-8)

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

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

17 (a) Creation. There is created under the jurisdiction of
18 the Governor the Illinois Sentencing Policy Advisory Council,
19 hereinafter referred to as the Council.

20 (b) Purposes and goals. The purpose of the Council is to
21 review sentencing policies and practices and examine how these
22 policies and practices impact the criminal justice system as a
23 whole in the State of Illinois. In carrying out its duties, the
24 Council shall be mindful of and aim to achieve the purposes of
25 sentencing in Illinois, which are set out in Section 1-1-2 of

1 this Code:

2 (1) prescribe sanctions proportionate to the
3 seriousness of the offenses and permit the recognition of
4 differences in rehabilitation possibilities among
5 individual offenders;

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

7 (3) prevent arbitrary or oppressive treatment of
8 persons adjudicated offenders or delinquents; and

9 (4) restore offenders to useful citizenship.

10 (c) Council composition.

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

12 (A) the President of the Senate, or his or her
13 designee;

14 (B) the Minority Leader of the Senate, or his or
15 her designee;

16 (C) the Speaker of the House, or his or her
17 designee;

18 (D) the Minority Leader of the House, or his or her
19 designee;

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

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

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

26 (G-5) (blank);

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

3 (I) the Cook County Public Defender, or his or her
4 designee;

5 (J) a State's Attorney not from Cook County,
6 appointed by the State's Attorney's Appellate
7 Prosecutor;

8 (K) the State Appellate Defender, or his or her
9 designee;

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

12 (M) a victim of a violent felony or a
13 representative of a crime victims' organization,
14 selected by the members of the Council designated in
15 clauses (c) (1) (A) through (L);

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

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

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

26 (Q) a sheriff selected by the members of the

1 Council designated in clauses (c) (1) (A) through (L);
2 and

3 (R) ex-officio members shall include:

4 (i) the Director of Corrections, or his or her
5 designee;

6 (ii) the Chair of the Prisoner Review Board, or
7 his or her designee;

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

10 (iv) the Director of the Illinois Criminal
11 Justice Information Authority, or his or her
12 designee.

13 (1.5) The Chair and Vice Chair shall be elected from
14 among its members by a majority of the members of the
15 Council.

16 (2) Members of the Council who serve because of their
17 public office or position, or those who are designated as
18 members by such officials, shall serve only as long as they
19 hold such office or position.

20 (3) Council members shall serve without compensation
21 but shall be reimbursed for travel and per diem expenses
22 incurred in their work for the Council.

23 (4) The Council may exercise any power, perform any
24 function, take any action, or do anything in furtherance of
25 its purposes and goals upon the appointment of a quorum of
26 its members. The term of office of each member of the

1 Council ends on the date of repeal of this amendatory Act
2 of the 96th General Assembly.

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

5 (1) Collect and analyze information including
6 sentencing data, crime trends, and existing correctional
7 resources to support legislative and executive action
8 affecting the use of correctional resources on the State
9 and local levels.

10 (2) Prepare criminal justice population projections
11 annually, including correctional and community-based
12 supervision populations.

13 (3) Analyze data relevant to proposed sentencing
14 legislation and its effect on current policies or
15 practices, and provide information to support
16 evidence-based sentencing.

17 (4) Ensure that adequate resources and facilities are
18 available for carrying out sentences imposed on offenders
19 and that rational priorities are established for the use of
20 those resources. To do so, the Council shall prepare
21 criminal justice resource statements, identifying the
22 fiscal and practical effects of proposed criminal
23 sentencing legislation, including, but not limited to, the
24 correctional population, court processes, and county or
25 local government resources.

26 (4.5) Study and conduct a thorough analysis of

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

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

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

20 (7) Publish a report on the trends in sentencing for
21 offenders described in subsection (b-1) of Section 5-4-1 of
22 this Code, the impact of the trends on the prison and
23 probation populations, and any changes in the racial
24 composition of the prison and probation populations that
25 can be attributed to the changes made by adding subsection
26 (b-1) of Section 5-4-1 to this Code by Public Act 99-861

1 ~~this amendatory Act of the 99th General Assembly.~~

2 (e) Authority.

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

10 (2) Upon request from the Council, each executive
11 agency and department of State and local government shall
12 provide information and records to the Council in the
13 execution of its duties.

14 (f) Report. The Council shall report in writing annually to
15 the General Assembly, the Illinois Supreme Court, and the
16 Governor.

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

18 (Source: P.A. 98-65, eff. 7-15-13; 99-101, eff. 7-22-15;
19 99-533, eff. 7-8-16; 99-861, eff. 1-1-17; revised 9-6-16.)".