



Sen. Chapin Rose

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1 AMENDMENT TO SENATE BILL 902

2 AMENDMENT NO. _____. Amend Senate Bill 902 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 2012 is amended by
5 changing Section 24-3 as follows:

6 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

7 Sec. 24-3. Unlawful sale or delivery of firearms.

8 (A) A person commits the offense of unlawful sale or
9 delivery of firearms when he or she knowingly does any of the
10 following:

11 (a) Sells or gives any firearm of a size which may be
12 concealed upon the person to any person under 18 years of
13 age.

14 (b) Sells or gives any firearm to a person under 21
15 years of age who has been convicted of a misdemeanor other
16 than a traffic offense or adjudged delinquent.

1 (c) Sells or gives any firearm to any narcotic addict.

2 (d) Sells or gives any firearm to any person who has
3 been convicted of a felony under the laws of this or any
4 other jurisdiction.

5 (e) Sells or gives any firearm to any person who has
6 been a patient in a mental institution within the past 5
7 years. In this subsection (e):

8 "Mental institution" means any hospital,
9 institution, clinic, evaluation facility, mental
10 health center, or part thereof, which is used primarily
11 for the care or treatment of persons with mental
12 illness.

13 "Patient in a mental institution" means the person
14 was admitted, either voluntarily or involuntarily, to
15 a mental institution for mental health treatment,
16 unless the treatment was voluntary and solely for an
17 alcohol abuse disorder and no other secondary
18 substance abuse disorder or mental illness.

19 (f) Sells or gives any firearms to any person who is a
20 person with an intellectual disability.

21 (g) Delivers any firearm, incidental to a sale, without
22 withholding delivery of the firearm for at least 72 hours
23 after application for its purchase has been made, or
24 delivers a stun gun or taser, incidental to a sale, without
25 withholding delivery of the stun gun or taser for at least
26 24 hours after application for its purchase has been made.

1 However, this paragraph (g) does not apply to: (1) the sale
2 of a firearm to a law enforcement officer if the seller of
3 the firearm knows that the person to whom he or she is
4 selling the firearm is a law enforcement officer or the
5 sale of a firearm to a person who desires to purchase a
6 firearm for use in promoting the public interest incident
7 to his or her employment as a bank guard, armed truck
8 guard, or other similar employment; (2) a mail order sale
9 of a firearm from a federally licensed firearms dealer to a
10 nonresident of Illinois under which the firearm is mailed
11 to a federally licensed firearms dealer outside the
12 boundaries of Illinois; (3) (blank); (4) the sale of a
13 firearm to a dealer licensed as a federal firearms dealer
14 under Section 923 of the federal Gun Control Act of 1968
15 (18 U.S.C. 923); or (5) the transfer or sale of any rifle,
16 shotgun, or other long gun to a resident registered
17 competitor or attendee or non-resident registered
18 competitor or attendee by any dealer licensed as a federal
19 firearms dealer under Section 923 of the federal Gun
20 Control Act of 1968 at competitive shooting events held at
21 the World Shooting Complex sanctioned by a national
22 governing body. For purposes of transfers or sales under
23 subparagraph (5) of this paragraph (g), the Department of
24 Natural Resources shall give notice to the Department of
25 State Police at least 30 calendar days prior to any
26 competitive shooting events at the World Shooting Complex

1 sanctioned by a national governing body. The notification
2 shall be made on a form prescribed by the Department of
3 State Police. The sanctioning body shall provide a list of
4 all registered competitors and attendees at least 24 hours
5 before the events to the Department of State Police. Any
6 changes to the list of registered competitors and attendees
7 shall be forwarded to the Department of State Police as
8 soon as practicable. The Department of State Police must
9 destroy the list of registered competitors and attendees no
10 later than 30 days after the date of the event. Nothing in
11 this paragraph (g) relieves a federally licensed firearm
12 dealer from the requirements of conducting a NICS
13 background check through the Illinois Point of Contact
14 under 18 U.S.C. 922(t). For purposes of this paragraph (g),
15 "application" means when the buyer and seller reach an
16 agreement to purchase a firearm. For purposes of this
17 paragraph (g), "national governing body" means a group of
18 persons who adopt rules and formulate policy on behalf of a
19 national firearm sporting organization.

20 (h) While holding any license as a dealer, importer,
21 manufacturer or pawnbroker under the federal Gun Control
22 Act of 1968, manufactures, sells or delivers to any
23 unlicensed person a handgun having a barrel, slide, frame
24 or receiver which is a die casting of zinc alloy or any
25 other nonhomogeneous metal which will melt or deform at a
26 temperature of less than 800 degrees Fahrenheit. For

1 purposes of this paragraph, (1) "firearm" is defined as in
2 the Firearm Owners Identification Card Act; and (2)
3 "handgun" is defined as a firearm designed to be held and
4 fired by the use of a single hand, and includes a
5 combination of parts from which such a firearm can be
6 assembled.

7 (i) Sells or gives a firearm of any size to any person
8 under 18 years of age who does not possess a valid Firearm
9 Owner's Identification Card.

10 (j) Sells or gives a firearm while engaged in the
11 business of selling firearms at wholesale or retail without
12 being licensed as a federal firearms dealer under Section
13 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923).
14 In this paragraph (j):

15 A person "engaged in the business" means a person who
16 devotes time, attention, and labor to engaging in the
17 activity as a regular course of trade or business with the
18 principal objective of livelihood and profit, but does not
19 include a person who makes occasional repairs of firearms
20 or who occasionally fits special barrels, stocks, or
21 trigger mechanisms to firearms.

22 "With the principal objective of livelihood and
23 profit" means that the intent underlying the sale or
24 disposition of firearms is predominantly one of obtaining
25 livelihood and pecuniary gain, as opposed to other intents,
26 such as improving or liquidating a personal firearms

1 collection; however, proof of profit shall not be required
2 as to a person who engages in the regular and repetitive
3 purchase and disposition of firearms for criminal purposes
4 or terrorism.

5 (k) Sells or transfers ownership of a firearm to a
6 person who does not display to the seller or transferor of
7 the firearm either: (1) a currently valid Firearm Owner's
8 Identification Card that has previously been issued in the
9 transferee's name by the Department of State Police under
10 the provisions of the Firearm Owners Identification Card
11 Act; or (2) a currently valid license to carry a concealed
12 firearm that has previously been issued in the transferee's
13 name by the Department of State Police under the Firearm
14 Concealed Carry Act. This paragraph (k) does not apply to
15 the transfer of a firearm to a person who is exempt from
16 the requirement of possessing a Firearm Owner's
17 Identification Card under Section 2 of the Firearm Owners
18 Identification Card Act. For the purposes of this Section,
19 a currently valid Firearm Owner's Identification Card
20 means (i) a Firearm Owner's Identification Card that has
21 not expired or (ii) an approval number issued in accordance
22 with subsection (a-10) of subsection 3 or Section 3.1 of
23 the Firearm Owners Identification Card Act shall be proof
24 that the Firearm Owner's Identification Card was valid.

25 (1) In addition to the other requirements of this
26 paragraph (k), all persons who are not federally

1 licensed firearms dealers must also have complied with
2 subsection (a-10) of Section 3 of the Firearm Owners
3 Identification Card Act by determining the validity of
4 a purchaser's Firearm Owner's Identification Card.

5 (2) All sellers or transferors who have complied
6 with the requirements of subparagraph (1) of this
7 paragraph (k) shall not be liable for damages in any
8 civil action arising from the use or misuse by the
9 transferee of the firearm transferred, except for
10 willful or wanton misconduct on the part of the seller
11 or transferor.

12 (1) Not being entitled to the possession of a firearm,
13 delivers the firearm, knowing it to have been stolen or
14 converted. It may be inferred that a person who possesses a
15 firearm with knowledge that its serial number has been
16 removed or altered has knowledge that the firearm is stolen
17 or converted.

18 (B) Paragraph (h) of subsection (A) does not include
19 firearms sold within 6 months after enactment of Public Act
20 78-355 (approved August 21, 1973, effective October 1, 1973),
21 nor is any firearm legally owned or possessed by any citizen or
22 purchased by any citizen within 6 months after the enactment of
23 Public Act 78-355 subject to confiscation or seizure under the
24 provisions of that Public Act. Nothing in Public Act 78-355
25 shall be construed to prohibit the gift or trade of any firearm
26 if that firearm was legally held or acquired within 6 months

1 after the enactment of that Public Act.

2 (C) Sentence.

3 (1) Any person convicted of unlawful sale or delivery
4 of firearms in violation of paragraph (c), (e), (f), (g),
5 or (h) of subsection (A) commits a Class 4 felony.

6 (2) Any person convicted of unlawful sale or delivery
7 of firearms in violation of paragraph (b) or (i) of
8 subsection (A) commits a Class 3 felony.

9 (3) Any person convicted of unlawful sale or delivery
10 of firearms in violation of paragraph (a) of subsection (A)
11 commits a Class 2 felony.

12 (4) Any person convicted of unlawful sale or delivery
13 of firearms in violation of paragraph (a), (b), or (i) of
14 subsection (A) in any school, on the real property
15 comprising a school, within 1,000 feet of the real property
16 comprising a school, at a school related activity, or on or
17 within 1,000 feet of any conveyance owned, leased, or
18 contracted by a school or school district to transport
19 students to or from school or a school related activity,
20 regardless of the time of day or time of year at which the
21 offense was committed, commits a Class 1 felony. Any person
22 convicted of a second or subsequent violation of unlawful
23 sale or delivery of firearms in violation of paragraph (a),
24 (b), or (i) of subsection (A) in any school, on the real
25 property comprising a school, within 1,000 feet of the real
26 property comprising a school, at a school related activity,

1 or on or within 1,000 feet of any conveyance owned, leased,
2 or contracted by a school or school district to transport
3 students to or from school or a school related activity,
4 regardless of the time of day or time of year at which the
5 offense was committed, commits a Class 1 felony for which
6 the sentence shall be a term of imprisonment of no less
7 than 5 years and no more than 15 years.

8 (5) Any person convicted of unlawful sale or delivery
9 of firearms in violation of paragraph (a) or (i) of
10 subsection (A) in residential property owned, operated, or
11 managed by a public housing agency or leased by a public
12 housing agency as part of a scattered site or mixed-income
13 development, in a public park, in a courthouse, on
14 residential property owned, operated, or managed by a
15 public housing agency or leased by a public housing agency
16 as part of a scattered site or mixed-income development, on
17 the real property comprising any public park, on the real
18 property comprising any courthouse, or on any public way
19 within 1,000 feet of the real property comprising any
20 public park, courthouse, or residential property owned,
21 operated, or managed by a public housing agency or leased
22 by a public housing agency as part of a scattered site or
23 mixed-income development commits a Class 2 felony.

24 (6) Any person convicted of unlawful sale or delivery
25 of firearms in violation of paragraph (j) of subsection (A)
26 commits a Class A misdemeanor. A second or subsequent

1 violation is a Class 4 felony.

2 (7) Any person convicted of unlawful sale or delivery
3 of firearms in violation of paragraph (k) of subsection (A)
4 commits a Class 4 felony, except that a violation of
5 subparagraph (1) of paragraph (k) of subsection (A) shall
6 not be punishable as a crime or petty offense. A third or
7 subsequent conviction for a violation of paragraph (k) of
8 subsection (A) is a Class 1 felony.

9 (8) A person 18 years of age or older convicted of
10 unlawful sale or delivery of firearms in violation of
11 paragraph (a) or (i) of subsection (A), when the firearm
12 that was sold or given to another person under 18 years of
13 age was used in the commission of or attempt to commit a
14 forcible felony, shall be fined or imprisoned, or both, not
15 to exceed the maximum provided for the most serious
16 forcible felony so committed or attempted by the person
17 under 18 years of age who was sold or given the firearm.

18 (9) Any person convicted of unlawful sale or delivery
19 of firearms in violation of paragraph (d) of subsection (A)
20 commits a Class X felony for which he or she shall be
21 sentenced to a term of imprisonment of not less than 10
22 years and not more than 30 years ~~3 felony~~.

23 (10) Any person convicted of unlawful sale or delivery
24 of firearms in violation of paragraph (l) of subsection (A)
25 commits a Class 2 felony if the delivery is of one firearm.
26 Any person convicted of unlawful sale or delivery of

1 firearms in violation of paragraph (1) of subsection (A)
2 commits a Class 1 felony if the delivery is of not less
3 than 2 and not more than 5 firearms at the same time or
4 within a one year period. Any person convicted of unlawful
5 sale or delivery of firearms in violation of paragraph (1)
6 of subsection (A) commits a Class X felony for which he or
7 she shall be sentenced to a term of imprisonment of not
8 less than 6 years and not more than 30 years if the
9 delivery is of not less than 6 and not more than 10
10 firearms at the same time or within a 2 year period. Any
11 person convicted of unlawful sale or delivery of firearms
12 in violation of paragraph (1) of subsection (A) commits a
13 Class X felony for which he or she shall be sentenced to a
14 term of imprisonment of not less than 6 years and not more
15 than 40 years if the delivery is of not less than 11 and
16 not more than 20 firearms at the same time or within a 3
17 year period. Any person convicted of unlawful sale or
18 delivery of firearms in violation of paragraph (1) of
19 subsection (A) commits a Class X felony for which he or she
20 shall be sentenced to a term of imprisonment of not less
21 than 6 years and not more than 50 years if the delivery is
22 of not less than 21 and not more than 30 firearms at the
23 same time or within a 4 year period. Any person convicted
24 of unlawful sale or delivery of firearms in violation of
25 paragraph (1) of subsection (A) commits a Class X felony
26 for which he or she shall be sentenced to a term of

1 imprisonment of not less than 6 years and not more than 60
2 years if the delivery is of 31 or more firearms at the same
3 time or within a 5 year period.

4 (D) For purposes of this Section:

5 "School" means a public or private elementary or secondary
6 school, community college, college, or university.

7 "School related activity" means any sporting, social,
8 academic, or other activity for which students' attendance or
9 participation is sponsored, organized, or funded in whole or in
10 part by a school or school district.

11 (E) A prosecution for a violation of paragraph (k) of
12 subsection (A) of this Section may be commenced within 6 years
13 after the commission of the offense. A prosecution for a
14 violation of this Section other than paragraph (g) of
15 subsection (A) of this Section may be commenced within 5 years
16 after the commission of the offense defined in the particular
17 paragraph.

18 (Source: P.A. 99-29, eff. 7-10-15; 99-143, eff. 7-27-15;
19 99-642, eff. 7-28-16; 100-606, eff. 1-1-19.)

20 Section 10. The Unified Code of Corrections is amended by
21 changing Sections 5-4.5-110, 5-5-3, and 5-8-4 as follows:

22 (730 ILCS 5/5-5-3)

23 (Text of Section before amendment by P.A. 100-987)

24 Sec. 5-5-3. Disposition.

1 (a) (Blank).

2 (b) (Blank).

3 (c) (1) (Blank).

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

10 (A) First degree murder where the death penalty is not
11 imposed.

12 (B) Attempted first degree murder.

13 (C) A Class X felony.

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

19 (D-5) A violation of subdivision (c)(1) of Section 401
20 of the Illinois Controlled Substances Act which relates to
21 3 or more grams of a substance containing heroin or an
22 analog thereof.

23 (E) (Blank).

24 (F) A Class 1 or greater felony if the offender had
25 been convicted of a Class 1 or greater felony, including
26 any state or federal conviction for an offense that

1 contained, at the time it was committed, the same elements
2 as an offense now (the date of the offense committed after
3 the prior Class 1 or greater felony) classified as a Class
4 1 or greater felony, within 10 years of the date on which
5 the offender committed the offense for which he or she is
6 being sentenced, except as otherwise provided in Section
7 40-10 of the Substance Use Disorder Act.

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

19 (F-5) A violation of Section 24-1, 24-1.1, ~~or~~ 24-1.6,
20 or subsection (d) of Section 24-3 of the Criminal Code of
21 1961 or the Criminal Code of 2012 for which imprisonment is
22 prescribed in those Sections.

23 (G) Residential burglary, except as otherwise provided
24 in Section 40-10 of the Substance Use Disorder Act.

25 (H) Criminal sexual assault.

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

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

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

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

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

15 (K) Vehicular hijacking.

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

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

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

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

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

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

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

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

10 (S) (Blank).

11 (T) (Blank).

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

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

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

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

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

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

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

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

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

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

26 (DD) A conviction for aggravated assault under

1 paragraph (6) of subsection (c) of Section 12-2 of the
2 Criminal Code of 1961 or the Criminal Code of 2012 if the
3 firearm is aimed toward the person against whom the firearm
4 is being used.

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

8 (3) (Blank).

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

13 (4.1) (Blank).

14 (4.2) Except as provided in paragraphs (4.3) and (4.8) of
15 this subsection (c), a minimum of 100 hours of community
16 service shall be imposed for a second violation of Section
17 6-303 of the Illinois Vehicle Code.

18 (4.3) A minimum term of imprisonment of 30 days or 300
19 hours of community service, as determined by the court, shall
20 be imposed for a second violation of subsection (c) of Section
21 6-303 of the Illinois Vehicle Code.

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

1 credit toward the fulfillment of community service hours for
2 participation in activities and treatment as determined by
3 court services.

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

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

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

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

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

1 of his or her life.

2 (4.10) A mandatory prison sentence for a Class 1 felony
3 shall be imposed, and the person shall be eligible for an
4 extended term sentence, for a fourth or subsequent violation of
5 subsection (a-5) of Section 6-303 of the Illinois Vehicle Code,
6 as provided in subsection (d-3.5) of that Section. The person's
7 driving privileges shall be revoked for the remainder of his or
8 her life.

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

11 (A) a period of conditional discharge;

12 (B) a fine;

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

15 (5.1) In addition to any other penalties imposed, and
16 except as provided in paragraph (5.2) or (5.3), a person
17 convicted of violating subsection (c) of Section 11-907 of the
18 Illinois Vehicle Code shall have his or her driver's license,
19 permit, or privileges suspended for at least 90 days but not
20 more than one year, if the violation resulted in damage to the
21 property of another person.

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

1 years, if the violation resulted in injury to another person.

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

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

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

20 (6) (Blank).

21 (7) (Blank).

22 (8) (Blank).

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

26 (10) (Blank).

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

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

22 (13) A person convicted of or placed on court supervision
23 for an assault or aggravated assault when the victim and the
24 offender are family or household members as defined in Section
25 103 of the Illinois Domestic Violence Act of 1986 or convicted
26 of domestic battery or aggravated domestic battery may be

1 required to attend a Partner Abuse Intervention Program under
2 protocols set forth by the Illinois Department of Human
3 Services under such terms and conditions imposed by the court.
4 The costs of such classes shall be paid by the offender.

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

23 (e) In cases where prosecution for aggravated criminal
24 sexual abuse under Section 11-1.60 or 12-16 of the Criminal
25 Code of 1961 or the Criminal Code of 2012 results in conviction
26 of a defendant who was a family member of the victim at the

1 time of the commission of the offense, the court shall consider
2 the safety and welfare of the victim and may impose a sentence
3 of probation only where:

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

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

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

11 (i) removal from the household;

12 (ii) restricted contact with the victim;

13 (iii) continued financial support of the
14 family;

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

16 and

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

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

26 Probation may be revoked or modified pursuant to Section

1 5-6-4; except where the court determines at the hearing that
2 the defendant violated a condition of his or her probation
3 restricting contact with the victim or other family members or
4 commits another offense with the victim or other family
5 members, the court shall revoke the defendant's probation and
6 impose a term of imprisonment.

7 For the purposes of this Section, "family member" and
8 "victim" shall have the meanings ascribed to them in Section
9 11-0.1 of the Criminal Code of 2012.

10 (f) (Blank).

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

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

26 (g-5) When an inmate is tested for an airborne communicable

1 disease, as determined by the Illinois Department of Public
2 Health including but not limited to tuberculosis, the results
3 of the test shall be personally delivered by the warden or his
4 or her designee in a sealed envelope to the judge of the court
5 in which the inmate must appear for the judge's inspection in
6 camera if requested by the judge. Acting in accordance with the
7 best interests of those in the courtroom, the judge shall have
8 the discretion to determine what if any precautions need to be
9 taken to prevent transmission of the disease in the courtroom.

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

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

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

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

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

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

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

1 (k) (Blank).

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

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

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

16 Otherwise, the defendant shall be sentenced as provided in
17 this Chapter V.

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

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

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

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

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

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

26 (n) The court may sentence a person convicted of a

1 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or
2 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
3 of 1961 or the Criminal Code of 2012 (i) to an impact
4 incarceration program if the person is otherwise eligible for
5 that program under Section 5-8-1.1, (ii) to community service,
6 or (iii) if the person has a substance use disorder, as defined
7 in the Substance Use Disorder Act, to a treatment program
8 licensed under that Act.

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

14 (Source: P.A. 99-143, eff. 7-27-15; 99-885, eff. 8-23-16;
15 99-938, eff. 1-1-18; 100-575, eff. 1-8-18; 100-759, eff.
16 1-1-19; revised 10-12-18.)

17 (Text of Section after amendment by P.A. 100-987)

18 Sec. 5-5-3. Disposition.

19 (a) (Blank).

20 (b) (Blank).

21 (c) (1) (Blank).

22 (2) A period of probation, a term of periodic imprisonment
23 or conditional discharge shall not be imposed for the following
24 offenses. The court shall sentence the offender to not less
25 than the minimum term of imprisonment set forth in this Code

1 for the following offenses, and may order a fine or restitution
2 or both in conjunction with such term of imprisonment:

3 (A) First degree murder where the death penalty is not
4 imposed.

5 (B) Attempted first degree murder.

6 (C) A Class X felony.

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

12 (D-5) A violation of subdivision (c)(1) of Section 401
13 of the Illinois Controlled Substances Act which relates to
14 3 or more grams of a substance containing heroin or an
15 analog thereof.

16 (E) (Blank).

17 (F) A Class 1 or greater felony if the offender had
18 been convicted of a Class 1 or greater felony, including
19 any state or federal conviction for an offense that
20 contained, at the time it was committed, the same elements
21 as an offense now (the date of the offense committed after
22 the prior Class 1 or greater felony) classified as a Class
23 1 or greater felony, within 10 years of the date on which
24 the offender committed the offense for which he or she is
25 being sentenced, except as otherwise provided in Section
26 40-10 of the Substance Use Disorder Act.

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

12 (F-5) A violation of Section 24-1, 24-1.1, ~~or~~ 24-1.6,
13 or subsection (d) of Section 24-3 of the Criminal Code of
14 1961 or the Criminal Code of 2012 for which imprisonment is
15 prescribed in those Sections.

16 (G) Residential burglary, except as otherwise provided
17 in Section 40-10 of the Substance Use Disorder Act.

18 (H) Criminal sexual assault.

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

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

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

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

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

8 (K) Vehicular hijacking.

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

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

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

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

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

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

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

3 (S) (Blank).

4 (T) (Blank).

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

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

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

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

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

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

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

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

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

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

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

1 (3) (Blank).

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

6 (4.1) (Blank).

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

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

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

23 (4.5) A minimum term of imprisonment of 30 days shall be
24 imposed for a third violation of subsection (c) of Section
25 6-303 of the Illinois Vehicle Code.

26 (4.6) Except as provided in paragraph (4.10) of this

1 subsection (c), a minimum term of imprisonment of 180 days
2 shall be imposed for a fourth or subsequent violation of
3 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

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

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

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

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

1 her life.

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

4 (A) a period of conditional discharge;

5 (B) a fine;

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

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

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

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

26 (5.4) In addition to any other penalties imposed, a person

1 convicted of violating Section 3-707 of the Illinois Vehicle
2 Code shall have his or her driver's license, permit, or
3 privileges suspended for 3 months and until he or she has paid
4 a reinstatement fee of \$100.

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

13 (6) (Blank).

14 (7) (Blank).

15 (8) (Blank).

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

19 (10) (Blank).

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

1 the sports official or coach was an active participant of the
2 athletic contest held at the athletic facility. For the
3 purposes of this paragraph (11), "sports official" means a
4 person at an athletic contest who enforces the rules of the
5 contest, such as an umpire or referee; "athletic facility"
6 means an indoor or outdoor playing field or recreational area
7 where sports activities are conducted; and "coach" means a
8 person recognized as a coach by the sanctioning authority that
9 conducted the sporting event.

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

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

24 (d) In any case in which a sentence originally imposed is
25 vacated, the case shall be remanded to the trial court. The
26 trial court shall hold a hearing under Section 5-4-1 of this

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

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

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

24 (A) the defendant is willing to undergo a court
25 approved counseling program for a minimum duration of 2
26 years; or

1 (B) the defendant is willing to participate in a
2 court approved plan including but not limited to the
3 defendant's:

4 (i) removal from the household;

5 (ii) restricted contact with the victim;

6 (iii) continued financial support of the
7 family;

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

9 and

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

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

19 Probation may be revoked or modified pursuant to Section
20 5-6-4; except where the court determines at the hearing that
21 the defendant violated a condition of his or her probation
22 restricting contact with the victim or other family members or
23 commits another offense with the victim or other family
24 members, the court shall revoke the defendant's probation and
25 impose a term of imprisonment.

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

1 "victim" shall have the meanings ascribed to them in Section
2 11-0.1 of the Criminal Code of 2012.

3 (f) (Blank).

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

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

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

1 the discretion to determine what if any precautions need to be
2 taken to prevent transmission of the disease in the courtroom.

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

1 charge of criminal transmission of HIV under Section 12-5.01 or
2 12-16.2 of the Criminal Code of 1961 or the Criminal Code of
3 2012 against the defendant. The court shall order that the cost
4 of any such test shall be paid by the county and may be taxed as
5 costs against the convicted defendant.

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

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

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

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

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

20 (k) (Blank).

21 (l) (A) Except as provided in paragraph (C) of subsection
22 (l), whenever a defendant, who is an alien as defined by the
23 Immigration and Nationality Act, is convicted of any felony or
24 misdemeanor offense, the court after sentencing the defendant
25 may, upon motion of the State's Attorney, hold sentence in
26 abeyance and remand the defendant to the custody of the

1 Attorney General of the United States or his or her designated
2 agent to be deported when:

3 (1) a final order of deportation has been issued
4 against the defendant pursuant to proceedings under the
5 Immigration and Nationality Act, and

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

9 Otherwise, the defendant shall be sentenced as provided in
10 this Chapter V.

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

20 (1) a final order of deportation has been issued
21 against the defendant pursuant to proceedings under the
22 Immigration and Nationality Act, and

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

26 (C) This subsection (1) does not apply to offenders who are

1 subject to the provisions of paragraph (2) of subsection (a) of
2 Section 3-6-3.

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

13 (m) A person convicted of criminal defacement of property
14 under Section 21-1.3 of the Criminal Code of 1961 or the
15 Criminal Code of 2012, in which the property damage exceeds
16 \$300 and the property damaged is a school building, shall be
17 ordered to perform community service that may include cleanup,
18 removal, or painting over the defacement.

19 (n) The court may sentence a person convicted of a
20 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or
21 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
22 of 1961 or the Criminal Code of 2012 (i) to an impact
23 incarceration program if the person is otherwise eligible for
24 that program under Section 5-8-1.1, (ii) to community service,
25 or (iii) if the person has a substance use disorder, as defined
26 in the Substance Use Disorder Act, to a treatment program

1 licensed under that Act.

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

7 (Source: P.A. 99-143, eff. 7-27-15; 99-885, eff. 8-23-16;
8 99-938, eff. 1-1-18; 100-575, eff. 1-8-18; 100-759, eff.
9 1-1-19; 100-987, eff. 7-1-19; revised 10-12-18.)

10 Section 95. No acceleration or delay. Where this Act makes
11 changes in a statute that is represented in this Act by text
12 that is not yet or no longer in effect (for example, a Section
13 represented by multiple versions), the use of that text does
14 not accelerate or delay the taking effect of (i) the changes
15 made by this Act or (ii) provisions derived from any other
16 Public Act."