



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB3215

Introduced 2/19/2021, by Rep. Justin Slaughter

#### SYNOPSIS AS INTRODUCED:

See Index

Creates the Securing All Futures for Equitable Reinvestment in Communities Act. Provides legislative intent. Creates the Securing All Futures for Equitable Reinvestment Tax Credit Pilot Program Act. Provides that an applicant that hires certain formerly incarcerated individuals during the incentive period may apply for a tax credit against the applicant's withholding tax liability. Provides that the savings from the changes made to the Unified Code of Corrections shall be deposited into the Securing All Futures for Equitable Reinvestment (SAFER) Communities Fund for the purpose of funding the program. Amends the Unified Code of Corrections to reduce the sentencing ranges for all classes of felonies, and to remove minimum sentences for Class 4 felonies and Class A and Class B misdemeanors. Provides that the provisions of the Act apply to offenses committed before the effective date of this Act, and to offenses committed on or after the effective date of this amendatory Act. Provides for resentencing of currently incarcerated persons based on these changes. Effective immediately.

LRB102 13303 KMF 18647 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning the reentry into society of formerly  
2 incarcerated persons.

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

5 ARTICLE 1. SHORT TITLE; INTENT

6 Section 1-1. Short title. This Act may be cited as the  
7 Securing All Futures for Equitable Reinvestment in Communities  
8 Act.

9 Section 1-2. Intent. The intent of the Securing All  
10 Futures for Equitable Reinvestment in Communities Act is to  
11 facilitate the reentry into society of formerly incarcerated  
12 individuals by restructuring criminal sentencing requirements  
13 to lower incarceration numbers and repurposing those savings  
14 to create financial incentives, in the form of tax credits,  
15 for employers who hire individuals with criminal convictions.

16 ARTICLE 5. SECURING ALL FUTURES FOR EQUITABLE REINVESTMENT IN  
17 COMMUNITIES TAX CREDIT PILOT PROGRAM

18 Section 5-1. Short title. This Act may be cited as the  
19 Securing All Futures for Equitable Reinvestment in Communities  
20 Tax Credit Pilot Program Act. References in this Article to

1 "this Act" means this Article.

2 Section 5-5. Findings and purpose. In order to reverse the  
3 trend of high unemployment and to help spur the economy to  
4 recovery, it is necessary to assist individuals in accessing  
5 family supporting, full-time work.

6 Section 5-10. Definitions. In this Act:

7 "Applicant" means a person that is operating a business  
8 located within this State that:

9 (1) is engaged in interstate or intrastate commerce;  
10 and

11 (2) hires a participant for a position under union  
12 contract or for a position that offers a basic wage and  
13 benefits package as compensation. In the case of any  
14 person that is a member of a unitary business group within  
15 the meaning of paragraph (27) in subsection (a) of Section  
16 1501 of the Illinois Income Tax Act, "applicant" refers to  
17 the unitary business group.

18 "Basic wage" means a minimum of \$20 per hour as  
19 compensation.

20 "Benefits package" means the new full-time employee's  
21 benefits outside of the employee's basic wage including:

- 22 (1) a minimum of 5 days of earned sick time  
23 (2) a minimum of 5 days of paid vacation; and  
24 (3) eligibility for health insurance.

1 "Benefits package" means the participant's benefits  
2 outside of the participant's basic wage including earned sick  
3 time, paid vacation, and health insurance.

4 "Certificate" means the tax credit certificate issued by  
5 the Department under Section 5-45 of this Act.

6 "Certificate of eligibility" means the certificate issued  
7 by the Department under Section 5-25 of this Act.

8 "Credit" means the amount awarded by the Department to an  
9 applicant by issuance of a certificate under Section 5-30 of  
10 this Act for each participant hired.

11 "Department" means the Department of Employment Security.

12 "Director" means the Director of Employment Security.

13 "Full-time employee" means an individual who has a  
14 position under union contract or is employed for a basic wage  
15 for at least 35 hours each week and receives a benefits package  
16 as compensation.

17 "Incentive period" means the period beginning on July 1  
18 and ending on June 30 five years thereafter. The first  
19 incentive period shall begin on July 1, 2020 and the last  
20 incentive period shall end on June 30, 2025.

21 "Noncompliance date" means, in the case of an applicant  
22 that is not complying with the requirements of the provisions  
23 of this Act, the day following the last date upon which the  
24 taxpayer was in compliance with the requirements of the  
25 provisions of this Act, as determined by the Director,  
26 pursuant to Section 5-55 of this Act.

1 "Participant" means a full-time employee who:

2 (1) was unemployed or making less than the basic wage  
3 referred to in this Section before being hired by an  
4 applicant;

5 (2) was formerly incarcerated between January 1, 2009  
6 and December 31, 2019;

7 (3) is registered for the pilot program described in  
8 Section 5-20; and

9 (4) is subsequently hired during the incentive period  
10 by an applicant for a position under union contract or for  
11 a position that offers a basic wage and benefits package  
12 as compensation.

13 The term "participant" does not include a person who was  
14 previously employed in this State by the applicant prior to  
15 the onset of the incentive period if:

16 (1) the position was under union contract;

17 (2) the position provided a basic wage and benefits  
18 package as compensation; or

19 (3) the participant is a related member of the  
20 applicant that has more than 50 total employees.

21 "Professional Employer Organization" (PEO) shall have the  
22 same meaning as defined in Section 5-5 of the Economic  
23 Development for a Growing Economy Tax Credit Act. As used in  
24 this Section, "Professional Employer Organization" does not  
25 include a day and temporary labor service agency regulated  
26 under the Day and Temporary Labor Services Act.

1 Section 5-15. Powers of the Department. The Department, in  
2 addition to those powers granted under the Civil  
3 Administrative Code of Illinois, is granted and shall have all  
4 the powers necessary or convenient to carry out and effectuate  
5 the purposes and provisions of this Act, including, but not  
6 limited to, power and authority to:

7 (1) promulgate procedures, rules, or regulations  
8 deemed necessary and appropriate for the administration of  
9 this Act; establish forms for applications, notifications,  
10 contracts, or any other agreements; and accept  
11 applications at any time during the year and require that  
12 all applications be submitted via the Internet. The  
13 Department shall require that applications be submitted in  
14 electronic form;

15 (2) provide guidance and assistance to an applicant  
16 pursuant to the provisions of this Act, and cooperate with  
17 applicants to promote, foster, and support job creation  
18 within the State;

19 (3) enter into agreements and memoranda of  
20 understanding for participation of and engage in  
21 cooperation with agencies of the federal government, units  
22 of local government, universities, research foundations or  
23 institutions, regional economic development corporations,  
24 or other organizations for the purposes of this Act;

25 (4) gather information and conduct inquiries, in the

1 manner and by the methods it deems desirable, including,  
2 but not limited to, gathering information with respect to  
3 applicants for the purpose of making any designations or  
4 certifications necessary or desirable or to gather  
5 information in furtherance of the purposes of this Act;

6 (5) establish, negotiate, and effectuate any term,  
7 agreement, or other document with any person necessary or  
8 appropriate to accomplish the purposes of this Act; and  
9 consent, subject to the provisions of any agreement with  
10 another party, to the modification or restructuring of any  
11 agreement to which the Department is a party;

12 (6) provide for sufficient personnel to permit  
13 administration, staffing, operation, and related support  
14 required to adequately discharge its duties and  
15 responsibilities described in this Act from funds made  
16 available through charges to applicants or from funds as  
17 may be appropriated by the General Assembly for the  
18 administration of this Act;

19 (7) require applicants, upon written request, to issue  
20 any necessary authorization to the appropriate federal,  
21 State, or local authority or any other person for the  
22 release to the Department of information requested by the  
23 Department, with the information requested to include, but  
24 not limited to, financial reports, returns, or records  
25 relating to the applicant or to the amount of credit  
26 allowable under this Act;

1           (8) require that an applicant shall, at all times,  
2           keep proper books of record and account in accordance with  
3           generally accepted accounting principles consistently  
4           applied with the books, records, or papers related to the  
5           agreement in the custody or control of the applicant open  
6           for reasonable Department inspection and audits, and  
7           including, but not limited to, the making of copies of the  
8           books, records, or papers; and

9           (9) take whatever actions are necessary or appropriate  
10          to protect the State's interest in the event of  
11          bankruptcy, default, foreclosure, or noncompliance with  
12          the terms and conditions of financial assistance or  
13          participation required under this Act, including the power  
14          to sell, dispose of, lease, or rent, upon terms and  
15          conditions determined by the Director to be appropriate,  
16          real or personal property that the Department may recover  
17          as a result of these actions.

18          Section 5-20. Pilot Program.

19          (a) The tax credit shall only apply to up to 20,000  
20          participants for the duration of the incentive period. A  
21          maximum of 10,000 participants shall be newly released from  
22          prison. A maximum of 10,000 participants shall be released  
23          from prison between January 1, 2009 and December 31, 2019.

24          (b) The Department shall maintain a database of all  
25          participants for the duration of the incentive period.



1           (1) Eligible individuals shall register as  
2 participants with the Department by May 31, 2020.

3           (2) The Department shall verify individuals'  
4 eligibility to participate in the program by checking  
5 their employment and incarceration history.

6           (3) The Department shall mail a written letter  
7 containing a denial or confirmation of the individual's  
8 eligibility to participate in the program to the primary  
9 address of the individual.

10           (A) The denial letter shall state the reason why  
11 the individual is being denied.

12           (B) The confirmation letter shall state the  
13 identifying number assigned to the individual.

14           (c) The Department shall maintain a record of the  
15 participants and the corresponding applicant.

16           (1) Each applicant shall, on a quarterly basis  
17 starting from receipt of the certificate of eligibility  
18 for the tax credit, submit an annual report of employment  
19 of participants to remain in good standing to receive the  
20 tax credit.

21           (2) The reports shall be submitted in the form and  
22 manner required by the Department.

23           Section 5-25. Certificate of eligibility for tax credit.

24           (a) An applicant that hires a participant during the  
25 incentive period may apply for a certificate of eligibility

1 for the credit with respect to that position on or after the  
2 date of hire of the participant. The date of hire shall be the  
3 first day on which the participant begins providing services  
4 under a union contract or for a basic wage and benefits package  
5 as compensation.

6 (b) An applicant may apply for a certificate of  
7 eligibility for the credit for more than one participant on or  
8 after the date of hire of each qualifying participant.

9 (c) After receipt of an application under this Section,  
10 the Department shall issue a certificate of eligibility to the  
11 applicant, stating:

12 (1) the date and time on which the application was  
13 received by the Department and an identifying number  
14 assigned to the applicant by the Department;

15 (2) the maximum amount of the credit the applicant  
16 could potentially receive under this Act with respect to  
17 the new employees listed on the application; and

18 (3) the maximum amount of the credit potentially  
19 allowable on certificates of eligibility issued for  
20 applications received prior to the application for which  
21 the certificate of eligibility is issued.

22 (d) After the initial certificate of eligibility, the  
23 applicant must submit a quarterly report of employment of all  
24 participants to the Department. The Department shall review  
25 the report and issue an annual certificate of eligibility by  
26 April 15 of each taxable year to the applicant.

1 Section 5-30. Tax credit.

2 (a) Subject to the conditions set forth in this Act, an  
3 applicant is entitled to a credit against payment of taxes  
4 withheld under Section 704A of the Illinois Income Tax Act for  
5 participants as described in Section 5-20.

6 (b) The credit shall be allowed as a credit to an applicant  
7 for each participant hired during the incentive period that  
8 results in a net increase in full-time Illinois employees,  
9 where the net increase in the employer's full-time Illinois  
10 employees is maintained for at least 24 months.

11 (c) The Department shall make credit awards under this Act  
12 to further job creation.

13 (d) The credit shall be claimed for the second calendar  
14 year ending on or after the date on which the certificate is  
15 issued by the Department and each year thereafter during the  
16 incentive period as long as the participant's employment with  
17 the applicant is maintained.

18 (e) The credit shall not be less than \$10,000 and shall not  
19 exceed \$15,000 each year per participant hired.

20 (f) The net increase in full-time Illinois employees,  
21 measured on an annual full-time equivalent basis, shall be the  
22 total number of full-time Illinois employees of the applicant  
23 on the final day of the incentive period, minus the number of  
24 full-time Illinois employees employed by the employer on the  
25 first day of that same incentive period. For purposes of the

1 calculation, an employer that begins doing business in this  
2 State during the incentive period, as determined by the  
3 Director, shall be treated as having zero Illinois employees  
4 on the first day of the incentive period.

5 (g) The net increase in the number of full-time Illinois  
6 employees of the applicant under subsection (e) must be  
7 sustained continuously for at least 24 months, starting with  
8 the date of hire of a participant during the incentive period.

9 (h) The Department shall promulgate rules to enable an  
10 applicant for which a PEO has been contracted to issue W-2s and  
11 make payment of taxes withheld under Section 704A of the  
12 Illinois Income Tax Act for new employees to retain the  
13 benefit of tax credits to which the applicant is otherwise  
14 entitled under this Act.

15 Section 5-35. Determination of Amount of the Credit. In  
16 determining the amount of the credit that should be awarded,  
17 the Department shall take into consideration the following  
18 factors:

- 19 (1) the type of service provided;
- 20 (2) the skill-level, education and expertise required  
21 to provide the service;
- 22 (3) the benefits package offered by the applicant;
- 23 (4) the amount of training provided by the applicant;
- 24 and
- 25 (5) opportunities for wage increases and promotions.

1           Section 5-40. Maximum amount of credits allowed. To the  
2 extent authorized by Section 5-30 of this Act, for taxable  
3 years beginning on or after January 1, 2020 and December 31,  
4 2025, the Department shall limit the monetary amount of  
5 credits awarded under this Act to no more than \$1,500,000,000.  
6 If applications for a greater amount are received, credits  
7 shall be allowed on a first-come-first-served basis, based on  
8 the date on which each properly completed application for a  
9 certificate of eligibility is received by the Department. If  
10 more than one certificate of eligibility is received on the  
11 same day, the credits will be awarded based on the time of  
12 submission for that particular day.

13           Section 5-45. Application for award of tax credit; tax  
14 credit certificate.

15           (a) On or after the conclusion of the 24-month period  
16 after a participant has been hired, an applicant shall file  
17 with the Department an application for award of a credit. The  
18 application shall include the following:

19                   (1) the names, social security numbers, job  
20 descriptions, salary or wage rates, and dates of hire of  
21 the participants with respect to whom the credit is being  
22 requested, and whether each participant is registered in  
23 the pilot program described in Section 5-20;

24                   (2) a certification that each participant listed has

1           been retained on the job for 24 months from the date of  
2           hire;

3           (3) the number of participants hired by the applicant  
4           during the incentive period;

5           (4) the net increase in the number of full-time  
6           Illinois employees of the applicant, including the  
7           participants listed in the request, between the beginning  
8           of the incentive period and the dates on which the  
9           participants listed in the request were hired;

10          (5) an agreement that the Director is authorized to  
11          verify with the appropriate State agencies the information  
12          contained in the request before issuing a certificate to  
13          the applicant; and

14          (6) any other information the Department determines to  
15          be appropriate.

16          (b) Although an application may be filed at any time after  
17          the conclusion of the 24-month period, an application filed  
18          more than 90 days after the earliest date on which it could  
19          have been filed shall not be awarded any credit if, prior to  
20          the date it is filed, the Department has received applications  
21          under this Section for credits totaling more than  
22          \$1,500,000,000.

23          (c) The Department shall issue a certificate to each  
24          applicant awarded a credit under this Act. The certificate  
25          shall include the following:

26                 (1) the name and taxpayer identification number of the

1 applicant;

2 (2) the date on which the certificate is issued;

3 (3) the credit amount that will be allowed; and

4 (4) any other information the Department determines to

5 be appropriate.

6 Section 5-50. Submission of tax credit certificate to

7 Department of Revenue. An applicant claiming a credit under

8 this Act shall submit to the Department of Revenue a copy of

9 each certificate issued under Section 5-45 of this Act with

10 the first return for which the credit shown on the certificate

11 is claimed. Failure to submit a copy of the certificate with

12 the applicant's return shall not invalidate a claim for a

13 credit.

14 Section 5-55. Noncompliance.

15 (a) If the Director determines that an applicant who has

16 received a credit under this Act is not complying with the

17 requirements of the provisions of this Act, the Director shall

18 provide notice to the applicant of the alleged noncompliance,

19 and allow the applicant a hearing under the provisions of the

20 Illinois Administrative Procedure Act.

21 (b) If, after such notice and any hearing, the Director

22 determines that noncompliance exists, the Director shall issue

23 to the Department of Revenue notice to that effect stating the

24 noncompliance date.

1 (c) The Director shall not find that noncompliance exists  
2 under the following circumstances:

3 (1) The participant terminated employment on their own  
4 volition.

5 (2) The applicant terminated the participant's  
6 employment after the probationary period for misconduct  
7 such as:

8 (A) Falsification of employment application;

9 (B) Failure to maintain the license needed for the  
10 job;

11 (C) Violating the attendance policy of the  
12 applicant;

13 (D) Damaging the applicant's property through  
14 conduct that is grossly negligent;

15 (E) Refusal to obey the applicant's reasonable and  
16 lawful instruction, unless refusal is due to the lack  
17 of ability, skills, or training for the individual  
18 required to perform the instruction;

19 (F) Knowingly consuming alcohol or illegal or  
20 non-prescribed prescription drugs or using an  
21 impairing substance in an off-label manner on the  
22 applicant's premises during work hours;

23 (G) Reporting to work under the influence of  
24 alcohol, illegal or non-prescribed prescription drugs  
25 in violation of the applicant's policies; and

26 (H) The participant's grossly negligent conduct



1           endangering the safety of the participant or  
2           co-workers.

3           Section 5-60. Rules.

4           The Department may adopt rules necessary to implement this  
5           Act. The rules may provide for recipients of credits under  
6           this Act to be charged fees to cover administrative costs of  
7           the tax credit program.

8           Section 5-65. Savings from sentencing reform.

9           (a) On or before July 31, 2021, and on or before July 31 of  
10          each fiscal year thereafter, the Illinois Sentencing Policy  
11          Advisory Council shall calculate the savings that accrued to  
12          the State during the fiscal year ending June 30, 2021, as  
13          compared to the fiscal year ending June 30, 2020, due to  
14          changes made by this amendatory Act of the 102nd General  
15          Assembly to the Unified Code of Corrections under Article 10  
16          of this amendatory Act of the 102nd General Assembly. The  
17          savings calculation shall be solely based on:

18                 (1) the number of persons incarcerated in a Department  
19                 of Corrections facility during the fiscal year ending June  
20                 30, 2020 whose sentences were affected by Article 10 of  
21                 this amendatory Act of the 102nd General Assembly;

22                 (2) the average length of stay in Department of  
23                 Corrections facilities for these offenses prior to the  
24                 changes made by Article 10 of this amendatory Act of the

1 102nd General Assembly;

2 (3) the marginal cost per inmate per year; and

3 (4) any reduction in fixed costs, overhead costs, or  
4 administrative costs due to the closing of a Department of  
5 Corrections facility, or portion of a Department of  
6 Corrections facility, as a result of Article 10 of this  
7 amendatory Act of the 102nd General Assembly.

8 In making the calculations required by this subsection

9 (a), the Illinois Sentencing Policy Advisory Council shall use  
10 actual data or best available estimates where actual data is  
11 not available. The calculations shall be final and shall not  
12 be adjusted for any subsequent changes in the underlying data.  
13 The State Comptroller shall certify the results of the  
14 calculation no later than August 15 of each fiscal year.

15 (b) On or before August 31, 2021, and before August 31 of  
16 each fiscal year thereafter, the Comptroller shall transfer  
17 from the General Revenue Fund to the Securing All Futures for  
18 Equitable Reinvestment in Communities Fund the total savings  
19 calculated under subsection (a).

20 (c) Funds in the Securing All Futures for Equitable  
21 Reinvestment in Communities Fund shall be continuously  
22 appropriated for the purposes of this Act.

23 Section 5-900. The Illinois Income Tax Act is amended by  
24 changing Section 704A as follows:

1 (35 ILCS 5/704A)

2 Sec. 704A. Employer's return and payment of tax withheld.

3 (a) In general, every employer who deducts and withholds  
4 or is required to deduct and withhold tax under this Act on or  
5 after January 1, 2008 shall make those payments and returns as  
6 provided in this Section.

7 (b) Returns. Every employer shall, in the form and manner  
8 required by the Department, make returns with respect to taxes  
9 withheld or required to be withheld under this Article 7 for  
10 each quarter beginning on or after January 1, 2008, on or  
11 before the last day of the first month following the close of  
12 that quarter.

13 (c) Payments. With respect to amounts withheld or required  
14 to be withheld on or after January 1, 2008:

15 (1) Semi-weekly payments. For each calendar year, each  
16 employer who withheld or was required to withhold more  
17 than \$12,000 during the one-year period ending on June 30  
18 of the immediately preceding calendar year, payment must  
19 be made:

20 (A) on or before each Friday of the calendar year,  
21 for taxes withheld or required to be withheld on the  
22 immediately preceding Saturday, Sunday, Monday, or  
23 Tuesday;

24 (B) on or before each Wednesday of the calendar  
25 year, for taxes withheld or required to be withheld on  
26 the immediately preceding Wednesday, Thursday, or

1 Friday.

2 Beginning with calendar year 2011, payments made under  
3 this paragraph (1) of subsection (c) must be made by  
4 electronic funds transfer.

5 (2) Semi-weekly payments. Any employer who withholds  
6 or is required to withhold more than \$12,000 in any  
7 quarter of a calendar year is required to make payments on  
8 the dates set forth under item (1) of this subsection (c)  
9 for each remaining quarter of that calendar year and for  
10 the subsequent calendar year.

11 (3) Monthly payments. Each employer, other than an  
12 employer described in items (1) or (2) of this subsection,  
13 shall pay to the Department, on or before the 15th day of  
14 each month the taxes withheld or required to be withheld  
15 during the immediately preceding month.

16 (4) Payments with returns. Each employer shall pay to  
17 the Department, on or before the due date for each return  
18 required to be filed under this Section, any tax withheld  
19 or required to be withheld during the period for which the  
20 return is due and not previously paid to the Department.

21 (d) Regulatory authority. The Department may, by rule:

22 (1) Permit employers, in lieu of the requirements of  
23 subsections (b) and (c), to file annual returns due on or  
24 before January 31 of the year for taxes withheld or  
25 required to be withheld during the previous calendar year  
26 and, if the aggregate amounts required to be withheld by

1 the employer under this Article 7 (other than amounts  
2 required to be withheld under Section 709.5) do not exceed  
3 \$1,000 for the previous calendar year, to pay the taxes  
4 required to be shown on each such return no later than the  
5 due date for such return.

6 (2) Provide that any payment required to be made under  
7 subsection (c)(1) or (c)(2) is deemed to be timely to the  
8 extent paid by electronic funds transfer on or before the  
9 due date for deposit of federal income taxes withheld  
10 from, or federal employment taxes due with respect to, the  
11 wages from which the Illinois taxes were withheld.

12 (3) Designate one or more depositories to which  
13 payment of taxes required to be withheld under this  
14 Article 7 must be paid by some or all employers.

15 (4) Increase the threshold dollar amounts at which  
16 employers are required to make semi-weekly payments under  
17 subsection (c)(1) or (c)(2).

18 (e) Annual return and payment. Every employer who deducts  
19 and withholds or is required to deduct and withhold tax from a  
20 person engaged in domestic service employment, as that term is  
21 defined in Section 3510 of the Internal Revenue Code, may  
22 comply with the requirements of this Section with respect to  
23 such employees by filing an annual return and paying the taxes  
24 required to be deducted and withheld on or before the 15th day  
25 of the fourth month following the close of the employer's  
26 taxable year. The Department may allow the employer's return

1 to be submitted with the employer's individual income tax  
2 return or to be submitted with a return due from the employer  
3 under Section 1400.2 of the Unemployment Insurance Act.

4 (f) Magnetic media and electronic filing. With respect to  
5 taxes withheld in calendar years prior to 2017, any W-2 Form  
6 that, under the Internal Revenue Code and regulations  
7 promulgated thereunder, is required to be submitted to the  
8 Internal Revenue Service on magnetic media or electronically  
9 must also be submitted to the Department on magnetic media or  
10 electronically for Illinois purposes, if required by the  
11 Department.

12 With respect to taxes withheld in 2017 and subsequent  
13 calendar years, the Department may, by rule, require that any  
14 return (including any amended return) under this Section and  
15 any W-2 Form that is required to be submitted to the Department  
16 must be submitted on magnetic media or electronically.

17 The due date for submitting W-2 Forms shall be as  
18 prescribed by the Department by rule.

19 (g) For amounts deducted or withheld after December 31,  
20 2009, a taxpayer who makes an election under subsection (f) of  
21 Section 5-15 of the Economic Development for a Growing Economy  
22 Tax Credit Act for a taxable year shall be allowed a credit  
23 against payments due under this Section for amounts withheld  
24 during the first calendar year beginning after the end of that  
25 taxable year equal to the amount of the credit for the  
26 incremental income tax attributable to full-time employees of

1 the taxpayer awarded to the taxpayer by the Department of  
2 Commerce and Economic Opportunity under the Economic  
3 Development for a Growing Economy Tax Credit Act for the  
4 taxable year and credits not previously claimed and allowed to  
5 be carried forward under Section 211(4) of this Act as  
6 provided in subsection (f) of Section 5-15 of the Economic  
7 Development for a Growing Economy Tax Credit Act. The credit  
8 or credits may not reduce the taxpayer's obligation for any  
9 payment due under this Section to less than zero. If the amount  
10 of the credit or credits exceeds the total payments due under  
11 this Section with respect to amounts withheld during the  
12 calendar year, the excess may be carried forward and applied  
13 against the taxpayer's liability under this Section in the  
14 succeeding calendar years as allowed to be carried forward  
15 under paragraph (4) of Section 211 of this Act. The credit or  
16 credits shall be applied to the earliest year for which there  
17 is a tax liability. If there are credits from more than one  
18 taxable year that are available to offset a liability, the  
19 earlier credit shall be applied first. Each employer who  
20 deducts and withholds or is required to deduct and withhold  
21 tax under this Act and who retains income tax withholdings  
22 under subsection (f) of Section 5-15 of the Economic  
23 Development for a Growing Economy Tax Credit Act must make a  
24 return with respect to such taxes and retained amounts in the  
25 form and manner that the Department, by rule, requires and pay  
26 to the Department or to a depository designated by the

1 Department those withheld taxes not retained by the taxpayer.  
2 For purposes of this subsection (g), the term taxpayer shall  
3 include taxpayer and members of the taxpayer's unitary  
4 business group as defined under paragraph (27) of subsection  
5 (a) of Section 1501 of this Act. This Section is exempt from  
6 the provisions of Section 250 of this Act. No credit awarded  
7 under the Economic Development for a Growing Economy Tax  
8 Credit Act for agreements entered into on or after January 1,  
9 2015 may be credited against payments due under this Section.

10 (h) An employer may claim a credit against payments due  
11 under this Section for amounts withheld during the first  
12 calendar year ending after the date on which a tax credit  
13 certificate was issued under Section 35 of the Small Business  
14 Job Creation Tax Credit Act. The credit shall be equal to the  
15 amount shown on the certificate, but may not reduce the  
16 taxpayer's obligation for any payment due under this Section  
17 to less than zero. If the amount of the credit exceeds the  
18 total payments due under this Section with respect to amounts  
19 withheld during the calendar year, the excess may be carried  
20 forward and applied against the taxpayer's liability under  
21 this Section in the 5 succeeding calendar years. The credit  
22 shall be applied to the earliest year for which there is a tax  
23 liability. If there are credits from more than one calendar  
24 year that are available to offset a liability, the earlier  
25 credit shall be applied first. This Section is exempt from the  
26 provisions of Section 250 of this Act.



1           (i) Each employer with 50 or fewer full-time equivalent  
2 employees during the reporting period may claim a credit  
3 against the payments due under this Section for each qualified  
4 employee in an amount equal to the maximum credit allowable.  
5 The credit may be taken against payments due for reporting  
6 periods that begin on or after January 1, 2020, and end on or  
7 before December 31, 2027. An employer may not claim a credit  
8 for an employee who has worked fewer than 90 consecutive days  
9 immediately preceding the reporting period; however, such  
10 credits may accrue during that 90-day period and be claimed  
11 against payments under this Section for future reporting  
12 periods after the employee has worked for the employer at  
13 least 90 consecutive days. In no event may the credit exceed  
14 the employer's liability for the reporting period. Each  
15 employer who deducts and withholds or is required to deduct  
16 and withhold tax under this Act and who retains income tax  
17 withholdings under this subsection must make a return with  
18 respect to such taxes and retained amounts in the form and  
19 manner that the Department, by rule, requires and pay to the  
20 Department or to a depository designated by the Department  
21 those withheld taxes not retained by the employer.

22           For each reporting period, the employer may not claim a  
23 credit or credits for more employees than the number of  
24 employees making less than the minimum or reduced wage for the  
25 current calendar year during the last reporting period of the  
26 preceding calendar year. Notwithstanding any other provision

1 of this subsection, an employer shall not be eligible for  
2 credits for a reporting period unless the average wage paid by  
3 the employer per employee for all employees making less than  
4 \$55,000 during the reporting period is greater than the  
5 average wage paid by the employer per employee for all  
6 employees making less than \$55,000 during the same reporting  
7 period of the prior calendar year.

8 For purposes of this subsection (i):

9 "Compensation paid in Illinois" has the meaning ascribed  
10 to that term under Section 304(a)(2)(B) of this Act.

11 "Employer" and "employee" have the meaning ascribed to  
12 those terms in the Minimum Wage Law, except that "employee"  
13 also includes employees who work for an employer with fewer  
14 than 4 employees. Employers that operate more than one  
15 establishment pursuant to a franchise agreement or that  
16 constitute members of a unitary business group shall aggregate  
17 their employees for purposes of determining eligibility for  
18 the credit.

19 "Full-time equivalent employees" means the ratio of the  
20 number of paid hours during the reporting period and the  
21 number of working hours in that period.

22 "Maximum credit" means the percentage listed below of the  
23 difference between the amount of compensation paid in Illinois  
24 to employees who are paid not more than the required minimum  
25 wage reduced by the amount of compensation paid in Illinois to  
26 employees who were paid less than the current required minimum

1 wage during the reporting period prior to each increase in the  
2 required minimum wage on January 1. If an employer pays an  
3 employee more than the required minimum wage and that employee  
4 previously earned less than the required minimum wage, the  
5 employer may include the portion that does not exceed the  
6 required minimum wage as compensation paid in Illinois to  
7 employees who are paid not more than the required minimum  
8 wage.

9 (1) 25% for reporting periods beginning on or after  
10 January 1, 2020 and ending on or before December 31, 2020;

11 (2) 21% for reporting periods beginning on or after  
12 January 1, 2021 and ending on or before December 31, 2021;

13 (3) 17% for reporting periods beginning on or after  
14 January 1, 2022 and ending on or before December 31, 2022;

15 (4) 13% for reporting periods beginning on or after  
16 January 1, 2023 and ending on or before December 31, 2023;

17 (5) 9% for reporting periods beginning on or after  
18 January 1, 2024 and ending on or before December 31, 2024;

19 (6) 5% for reporting periods beginning on or after  
20 January 1, 2025 and ending on or before December 31, 2025.

21 The amount computed under this subsection may continue to  
22 be claimed for reporting periods beginning on or after January  
23 1, 2026 and:

24 (A) ending on or before December 31, 2026 for  
25 employers with more than 5 employees; or

26 (B) ending on or before December 31, 2027 for

1 employers with no more than 5 employees.

2 "Qualified employee" means an employee who is paid not  
3 more than the required minimum wage and has an average wage  
4 paid per hour by the employer during the reporting period  
5 equal to or greater than his or her average wage paid per hour  
6 by the employer during each reporting period for the  
7 immediately preceding 12 months. A new qualified employee is  
8 deemed to have earned the required minimum wage in the  
9 preceding reporting period.

10 "Reporting period" means the quarter for which a return is  
11 required to be filed under subsection (b) of this Section.

12 Each employer who qualifies for a credit under the  
13 Securing All Futures for Equitable Reinvestment in Communities  
14 Tax Credit Pilot Program Act may claim a credit against the  
15 payments due under this Section as provided in that Act.

16 (Source: P.A. 100-303, eff. 8-24-17; 100-511, eff. 9-18-17;  
17 100-863, eff. 8-14-18; 101-1, eff. 2-19-19.)

18 Section 5-905. The State Finance Act is amended by adding  
19 Section 5.935 as follows:

20 (30 ILCS 105/5.935 new)

21 Sec. 5.935. The Securing All Futures for Equitable  
22 Reinvestment in Communities Fund.

23 ARTICLE 10. SENTENCING REFORM

1 Section 10-50. The Unified Code of Corrections is amended  
2 by changing Sections 5-4.5-25, 5-4.5-30, 5-4.5-35, 5-4.5-40,  
3 5-4.5-45, 5-4.5-50, 5-4.5-85, and 5-4.5-95 and by adding  
4 Section 5-4.5-120 as follows:

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

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

8 (a) TERM. The sentence of imprisonment shall be a  
9 determinate sentence, subject to Section 5-4.5-115 of this  
10 Code, of not less than 4 years and not more than 15 years ~~6~~  
11 ~~years and not more than 30 years. The sentence of imprisonment~~  
12 ~~for an extended term Class X felony, as provided in Section~~  
13 ~~5-8-2 (730 ILCS 5/5-8-2), subject to Section 5-4.5-115 of this~~  
14 ~~Code, shall be not less than 30 years and not more than 60~~  
15 ~~years.~~

16 (b) PERIODIC IMPRISONMENT. A term of periodic imprisonment  
17 shall not be imposed.

18 (c) IMPACT INCARCERATION. The impact incarceration program  
19 or the county impact incarceration program is not an  
20 authorized disposition.

21 (d) PROBATION; CONDITIONAL DISCHARGE. A period of  
22 probation or conditional discharge may ~~shall not~~ be imposed.

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)).

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

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

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

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

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

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

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

21 (Source: P.A. 100-431, eff. 8-25-17; 100-1182, eff. 6-1-19;  
22 101-288, eff. 1-1-20.)

23 (730 ILCS 5/5-4.5-30)

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

1 (a) TERM. The sentence of imprisonment, other than for  
2 second degree murder, shall be a determinate sentence of not  
3 less than 3 years and not more than 7 years ~~4 years and not~~  
4 ~~more than 15 years~~, subject to Section 5-4.5-115 of this Code.  
5 The sentence of imprisonment for second degree murder shall be  
6 a determinate sentence of not less than 3 years and not more  
7 than 15 years ~~4 years and not more than 20 years~~, subject to  
8 Section 5-4.5-115 of this Code. ~~The sentence of imprisonment~~  
9 ~~for an extended term Class 1 felony, as provided in Section~~  
10 ~~5-8-2 (730 ILCS 5/5-8-2), subject to Section 5-4.5-115 of this~~  
11 ~~Code, shall be a term not less than 15 years and not more than~~  
12 ~~30 years.~~

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

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

21 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided  
22 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the  
23 period of probation or conditional discharge shall not exceed  
24 4 years. The court shall specify the conditions of probation  
25 or conditional discharge as set forth in Section 5-6-3 (730  
26 ILCS 5/5-6-3). In no case shall an offender be eligible for a

1 disposition of probation or conditional discharge for a Class  
2 1 felony committed while he or she was serving a term of  
3 probation or conditional discharge for a felony.

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

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

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

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

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

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

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

23 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as  
24 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or  
25 5/5-8-1), the parole or mandatory supervised release term  
26 shall be 2 years upon release from imprisonment.



1 (Source: P.A. 100-431, eff. 8-25-17; 100-1182, eff. 6-1-19;  
2 101-288, eff. 1-1-20.)

3 (730 ILCS 5/5-4.5-35)

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

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

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

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

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

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 MONITORING AND HOME DETENTION. See Section  
18 5-8A-3 (730 ILCS 5/5-8A-3) concerning eligibility for  
19 electronic monitoring and home 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  
23 shall be 2 years upon release from imprisonment.

24 (Source: P.A. 100-431, eff. 8-25-17.)

25 (730 ILCS 5/5-4.5-40)

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

3           (a) TERM. The sentence of imprisonment shall be a  
4 determinate sentence of not less than 1 years and not more than  
5 4 years ~~2 years and not more than 5 years. The sentence of~~  
6 ~~imprisonment for an extended term Class 3 felony, as provided~~  
7 ~~in Section 5-8-2 (730 ILCS 5/5-8-2), shall be a term not less~~  
8 ~~than 5 years and not more than 10 years.~~

9           (b) PERIODIC IMPRISONMENT. A sentence of periodic  
10 imprisonment shall be for a definite term of up to 18 months,  
11 except as otherwise provided in Section 5-5-3 or 5-7-1 (730  
12 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  
20 30 months. The court shall specify the conditions of probation  
21 or conditional discharge as set forth in Section 5-6-3 (730  
22 ILCS 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 MONITORING AND HOME DETENTION. See Section  
14 5-8A-3 (730 ILCS 5/5-8A-3) concerning eligibility for  
15 electronic monitoring and home 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  
19 shall be one year upon release from imprisonment.

20 (Source: P.A. 100-431, eff. 8-25-17.)

21 (730 ILCS 5/5-4.5-45)

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

24 ~~(a)~~ TERM. The sentence of imprisonment shall be a  
25 determinate sentence of ~~not less than one year and not more~~

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

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

9 (c) IMPACT INCARCERATION. See Sections 5-8-1.1 and 5-8-1.2  
10 (730 ILCS 5/5-8-1.1 and 5/5-8-1.2) concerning eligibility for  
11 the impact incarceration program or the county impact  
12 incarceration program.

13 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided  
14 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the  
15 period of probation or conditional discharge shall not exceed  
16 30 months. The court shall specify the conditions of probation  
17 or conditional discharge as set forth in Section 5-6-3 (730  
18 ILCS 5/5-6-3).

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

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

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

26 (h) DRUG COURT. See Section 20 of the Drug Court Treatment

1 Act (730 ILCS 166/20) concerning eligibility for a drug court  
2 program.

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

6 (j) SENTENCE CREDIT. See Section 3-6-3 of this Code (730  
7 ILCS 5/3-6-3) or the County Jail Good Behavior Allowance Act  
8 (730 ILCS 130/) for rules and regulations for sentence credit.

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

12 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as  
13 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or  
14 5/5-8-1), the parole or mandatory supervised release term  
15 shall be one year upon release from imprisonment.

16 (Source: P.A. 100-431, eff. 8-25-17.)

17 (730 ILCS 5/5-4.5-50)

18 Sec. 5-4.5-50. SENTENCE PROVISIONS; ALL FELONIES. Except  
19 as otherwise provided, for all felonies:

20 (a) NO SUPERVISION. The court, upon a plea of guilty or a  
21 stipulation by the defendant of the facts supporting the  
22 charge or a finding of guilt, may not defer further  
23 proceedings and the imposition of a sentence and may not enter  
24 an order for supervision of the defendant.

25 (b) FELONY FINES. Unless otherwise specified by law, the

1 minimum fine is \$75. An offender may be sentenced to pay a fine  
2 not to exceed, for each offense, \$25,000 or the amount  
3 specified in the offense, whichever is greater, or if the  
4 offender is a corporation, \$50,000 or the amount specified in  
5 the offense, whichever is greater. A fine may be imposed in  
6 addition to a sentence of conditional discharge, probation,  
7 periodic imprisonment, or imprisonment. See Article 9 of  
8 Chapter V (730 ILCS 5/Ch. V, Art. 9) for imposition of  
9 additional amounts and determination of amounts and payment.  
10 If the court finds that the fine would impose an undue burden  
11 on the victim, the court may reduce or waive the fine. The  
12 court shall consider the offender's financial circumstances  
13 and ability to pay before and after imprisonment before  
14 assessing any fine.

15 (c) REASONS FOR SENTENCE STATED. The sentencing judge in  
16 each felony conviction shall set forth his or her reasons for  
17 imposing the particular sentence entered in the case, as  
18 provided in Section 5-4-1 (730 ILCS 5/5-4-1). Those reasons  
19 may include any mitigating or aggravating factors specified in  
20 this Code, or the lack of any such factors, as well as any  
21 other mitigating or aggravating factors that the judge sets  
22 forth on the record that are consistent with the purposes and  
23 principles of sentencing set out in this Code.

24 (d) MOTION TO REDUCE SENTENCE. A motion to reduce a  
25 sentence may be made, or the court may reduce a sentence  
26 without motion, within 30 days after the sentence is imposed.

1 A defendant's challenge to the correctness of a sentence or to  
2 any aspect of the sentencing hearing shall be made by a written  
3 motion filed with the circuit court clerk within 30 days  
4 following the imposition of sentence. A motion not filed  
5 within that 30-day period is not timely. The court may not  
6 increase a sentence once it is imposed. A notice of motion must  
7 be filed with the motion. The notice of motion shall set the  
8 motion on the court's calendar on a date certain within a  
9 reasonable time after the date of filing.

10 If a motion filed pursuant to this subsection is timely  
11 filed, the proponent of the motion shall exercise due  
12 diligence in seeking a determination on the motion and the  
13 court shall thereafter decide the motion within a reasonable  
14 time.

15 If a motion filed pursuant to this subsection is timely  
16 filed, then for purposes of perfecting an appeal, a final  
17 judgment is not considered to have been entered until the  
18 motion to reduce the sentence has been decided by order  
19 entered by the trial court.

20 (e) CONCURRENT SENTENCE; PREVIOUS UNEXPIRED FEDERAL OR  
21 OTHER-STATE SENTENCE. A defendant who has a previous and  
22 unexpired sentence of imprisonment imposed by another state or  
23 by any district court of the United States and who, after  
24 sentence for a crime in Illinois, must return to serve the  
25 unexpired prior sentence may have his or her sentence by the  
26 Illinois court ordered to be concurrent with the prior



1 other-state or federal sentence. The court may order that any  
2 time served on the unexpired portion of the other-state or  
3 federal sentence, prior to his or her return to Illinois,  
4 shall be credited on his or her Illinois sentence. The  
5 appropriate official of the other state or the United States  
6 shall be furnished with a copy of the order imposing sentence,  
7 which shall provide that, when the offender is released from  
8 other-state or federal confinement, whether by parole or by  
9 termination of sentence, the offender shall be transferred by  
10 the Sheriff of the committing Illinois county to the Illinois  
11 Department of Corrections. The court shall cause the  
12 Department of Corrections to be notified of the sentence at  
13 the time of commitment and to be provided with copies of all  
14 records regarding the sentence.

15 (f) REDUCTION; PREVIOUS UNEXPIRED ILLINOIS SENTENCE. A  
16 defendant who has a previous and unexpired sentence of  
17 imprisonment imposed by an Illinois circuit court for a crime  
18 in this State and who is subsequently sentenced to a term of  
19 imprisonment by another state or by any district court of the  
20 United States and who has served a term of imprisonment  
21 imposed by the other state or district court of the United  
22 States, and must return to serve the unexpired prior sentence  
23 imposed by the Illinois circuit court, may apply to the  
24 Illinois circuit court that imposed sentence to have his or  
25 her sentence reduced.

26 The circuit court may order that any time served on the

1 sentence imposed by the other state or district court of the  
2 United States be credited on his or her Illinois sentence. The  
3 application for reduction of a sentence under this subsection  
4 shall be made within 30 days after the defendant has completed  
5 the sentence imposed by the other state or district court of  
6 the United States.

7 (g) NO REQUIRED BIRTH CONTROL. A court may not impose a  
8 sentence or disposition that requires the defendant to be  
9 implanted or injected with or to use any form of birth control.  
10 (Source: P.A. 100-987, eff. 7-1-19; 100-1161, eff. 7-1-19.)

11 (730 ILCS 5/5-4.5-85)

12 Sec. 5-4.5-85. UNCLASSIFIED OFFENSES; SENTENCE.

13 (a) FELONY. The particular classification of each felony  
14 is specified in the law defining the felony. Any unclassified  
15 offense that is declared by law to be a felony or that provides  
16 a sentence to a term of imprisonment for one year or more is a  
17 Class 4 felony.

18 (b) MISDEMEANOR. The particular classification of each  
19 misdemeanor is specified in the law or ordinance defining the  
20 misdemeanor.

21 (1) Any offense not so classified that provides a  
22 sentence to a term of imprisonment of less than one year  
23 ~~but in excess of 6 months~~ is a Class A misdemeanor.

24 (2) Any offense not so classified that provides a  
25 sentence to a term of imprisonment of 6 months or less ~~but~~

1 ~~in excess of 30 days~~ is a Class B misdemeanor.

2 (3) Any offense not so classified that provides a  
3 sentence to a term of imprisonment of 30 days or less is a  
4 Class C misdemeanor.

5 (c) PETTY OR BUSINESS OFFENSE. Any unclassified offense  
6 that does not provide for a sentence of imprisonment is a petty  
7 offense or a business offense.

8 (Source: P.A. 95-1052, eff. 7-1-09.)

9 (730 ILCS 5/5-4.5-95)

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

11 (a) HABITUAL CRIMINALS.

12 (1) Every person who has been twice convicted in any  
13 state or federal court of an offense that contains the  
14 same elements as an offense now (the date of the offense  
15 committed after the 2 prior convictions) classified in  
16 Illinois as a Class X felony, criminal sexual assault,  
17 aggravated kidnapping, or first degree murder, and who is  
18 thereafter convicted of a Class X felony, criminal sexual  
19 assault, or first degree murder, committed after the 2  
20 prior convictions, shall be adjudged an habitual criminal.

21 (2) The 2 prior convictions need not have been for the  
22 same offense.

23 (3) Any convictions that result from or are connected  
24 with the same transaction, or result from offenses  
25 committed at the same time, shall be counted for the

1 purposes of this Section as one conviction.

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

4 (A) The third offense was committed after July 3,  
5 1980.

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

10 (C) The third offense was committed after  
11 conviction on the second offense.

12 (D) The second offense was committed after  
13 conviction on the first offense.

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

18 (6) A prior conviction shall not be alleged in the  
19 indictment, and no evidence or other disclosure of that  
20 conviction shall be presented to the court or the jury  
21 during the trial of an offense set forth in this Section  
22 unless otherwise permitted by the issues properly raised  
23 in that trial. After a plea or verdict or finding of guilty  
24 and before sentence is imposed, the prosecutor may file  
25 with the court a verified written statement signed by the  
26 State's Attorney concerning any former conviction of an

1 offense set forth in this Section rendered against the  
2 defendant. The court shall then cause the defendant to be  
3 brought before it; shall inform the defendant of the  
4 allegations of the statement so filed, and of his or her  
5 right to a hearing before the court on the issue of that  
6 former conviction and of his or her right to counsel at  
7 that hearing; and unless the defendant admits such  
8 conviction, shall hear and determine the issue, and shall  
9 make a written finding thereon. If a sentence has  
10 previously been imposed, the court may vacate that  
11 sentence and impose a new sentence in accordance with this  
12 Section.

13 (7) A duly authenticated copy of the record of any  
14 alleged former conviction of an offense set forth in this  
15 Section shall be prima facie evidence of that former  
16 conviction; and a duly authenticated copy of the record of  
17 the defendant's final release or discharge from probation  
18 granted, or from sentence and parole supervision (if any)  
19 imposed pursuant to that former conviction, shall be prima  
20 facie evidence of that release or discharge.

21 (8) Any claim that a previous conviction offered by  
22 the prosecution is not a former conviction of an offense  
23 set forth in this Section because of the existence of any  
24 exceptions described in this Section, is waived unless  
25 duly raised at the hearing on that conviction, or unless  
26 the prosecution's proof shows the existence of the

1 exceptions described in this Section.

2 (9) If the person so convicted shows to the  
3 satisfaction of the court before whom that conviction was  
4 had that he or she was released from imprisonment, upon  
5 either of the sentences upon a pardon granted for the  
6 reason that he or she was innocent, that conviction and  
7 sentence shall not be considered under this Section.

8 (b) (Blank). ~~When a defendant, over the age of 21 years, is~~  
9 ~~convicted of a Class 1 or Class 2 felony, except for an offense~~  
10 ~~listed in subsection (c) of this Section, after having twice~~  
11 ~~been convicted in any state or federal court of an offense that~~  
12 ~~contains the same elements as an offense now (the date the~~  
13 ~~Class 1 or Class 2 felony was committed) classified in~~  
14 ~~Illinois as a Class 2 or greater Class felony, except for an~~  
15 ~~offense listed in subsection (c) of this Section, and those~~  
16 ~~charges are separately brought and tried and arise out of~~  
17 ~~different series of acts, that defendant shall be sentenced as~~  
18 ~~a Class X offender. This subsection does not apply unless:~~

19 ~~(1) the first felony was committed after February 1,~~  
20 ~~1978 (the effective date of Public Act 80-1099);~~

21 ~~(2) the second felony was committed after conviction~~  
22 ~~on the first; and~~

23 ~~(3) the third felony was committed after conviction on~~  
24 ~~the second.~~

25 (c) (Blank). ~~Subsection (b) of this Section does not apply~~  
26 ~~to Class 1 or Class 2 felony convictions for a violation of~~

1 ~~Section 16-1 of the Criminal Code of 2012.~~

2 A person sentenced as a Class X offender under this  
3 subsection (b) is not eligible to apply for treatment as a  
4 condition of probation as provided by Section 40-10 of the  
5 Substance Use Disorder Act (20 ILCS 301/40-10).

6 (Source: P.A. 99-69, eff. 1-1-16; 100-3, eff. 1-1-18; 100-759,  
7 eff. 1-1-19.)

8 (730 ILCS 5/5-4.5-120 new)

9 Sec. 5-4.5-120. RESENTENCING. The changes made to this  
10 Article apply offenses committed before the effective date of  
11 this amendatory Act of the 102nd General Assembly, and to  
12 offenses committed on or after the effective date of this  
13 amendatory Act. A person currently serving a sentence for a  
14 conviction, whether by trial or plea, of a felony or felonies  
15 who would have been guilty of a misdemeanor or lesser felony  
16 classification under this Act had the Act been in effect at the  
17 time of the offense may petition the trial court that entered  
18 the judgment of conviction in his or her case to request  
19 resentencing in accordance with this Act. A person who is  
20 resentenced shall be given credit for time served. Under no  
21 circumstances may resentencing under this Section result in  
22 the imposition of a term longer than the original sentence.

23 ARTICLE 99. EFFECTIVE DATE

24 Section 99-99. Effective date. This Act takes effect upon

1 becoming law.



1 INDEX

2 Statutes amended in order of appearance

3 New Act

4 35 ILCS 5/704A

5 30 ILCS 105/5.935 new

6 730 ILCS 5/5-4.5-25

7 730 ILCS 5/5-4.5-30

8 730 ILCS 5/5-4.5-35

9 730 ILCS 5/5-4.5-40

10 730 ILCS 5/5-4.5-45

11 730 ILCS 5/5-4.5-50

12 730 ILCS 5/5-4.5-85

13 730 ILCS 5/5-4.5-95

14 730 ILCS 5/5-4.5-120 new