



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB4109

Introduced 9/3/2021, by Rep. Kambium Buckner, Kelly M. Cassidy and Robyn Gabel

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-303	from Ch. 95 1/2, par. 6-303
720 ILCS 5/9-3.3	from Ch. 38, par. 9-3.3
720 ILCS 5/12-3.3	
730 ILCS 5/5-4.5-20	
730 ILCS 5/5-4.5-25	
730 ILCS 5/5-4.5-30	
730 ILCS 5/5-4.5-35	
730 ILCS 5/5-4.5-40	
730 ILCS 5/5-4.5-45	
730 ILCS 5/5-4.5-95	
730 ILCS 5/5-4.5-120 new	
730 ILCS 5/5-5-3	
730 ILCS 5/5-5-3.2	
730 ILCS 5/5-5-4	from Ch. 38, par. 1005-5-4
730 ILCS 5/5-8-2	from Ch. 38, par. 1005-8-2

Amends the Unified Code of Corrections. Prohibits extended term sentences of incarceration and removes references to extended term sentencing. Provides that a person currently serving a sentence of incarceration for one or more felonies who was sentenced to an extended term may petition the court to be resentenced. Provides that a person who is resentenced shall be given credit for time served. Amends the Illinois Vehicle Code and the Criminal Code of 2012 to make conforming changes.

LRB102 18991 KMF 27719 b

1 AN ACT concerning criminal law.

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

4 Section 5. The Illinois Vehicle Code is amended by
5 changing Section 6-303 as follows:

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

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

9 (a) Except as otherwise provided in subsection (a-5) or
10 (a-7), any person who drives or is in actual physical control
11 of a motor vehicle on any highway of this State at a time when
12 such person's driver's license, permit, or privilege to do so
13 or the privilege to obtain a driver's license or permit is
14 revoked or suspended as provided by this Code or the law of
15 another state, except as may be specifically allowed by a
16 judicial driving permit issued prior to January 1, 2009,
17 monitoring device driving permit, family financial
18 responsibility driving permit, probationary license to drive,
19 or a restricted driving permit issued pursuant to this Code or
20 under the law of another state, shall be guilty of a Class A
21 misdemeanor.

22 (a-3) A second or subsequent violation of subsection (a)
23 of this Section is a Class 4 felony if committed by a person

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

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

1 appropriate.

2 (a-7) Any person who violates this Section as provided in
3 subsection (a) while his or her driver's license or privilege
4 to drive is suspended under Section 6-306.5 or 7-702 of this
5 Code shall receive a Uniform Traffic Citation from the law
6 enforcement officer. A person who receives 3 or more Uniform
7 Traffic Citations under this subsection (a-7) without paying
8 any fees associated with the citations shall be guilty of a
9 Class A misdemeanor.

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

18 (b) (Blank).

19 (b-1) Except for a person under subsection (a-7) of this
20 Section, upon receiving a report of the conviction of any
21 violation indicating a person was operating a motor vehicle
22 during the time when the person's driver's license, permit, or
23 privilege was suspended by the Secretary of State or the
24 driver's licensing administrator of another state, except as
25 specifically allowed by a probationary license, judicial
26 driving permit, restricted driving permit, or monitoring

1 device driving permit, the Secretary shall extend the
2 suspension for the same period of time as the originally
3 imposed suspension unless the suspension has already expired,
4 in which case the Secretary shall be authorized to suspend the
5 person's driving privileges for the same period of time as the
6 originally imposed suspension.

7 (b-2) Except as provided in subsection (b-6) or (a-7),
8 upon receiving a report of the conviction of any violation
9 indicating a person was operating a motor vehicle when the
10 person's driver's license, permit, or privilege was revoked by
11 the Secretary of State or the driver's license administrator
12 of any other state, except as specifically allowed by a
13 restricted driving permit issued pursuant to this Code or the
14 law of another state, the Secretary shall not issue a driver's
15 license for an additional period of one year from the date of
16 such conviction indicating such person was operating a vehicle
17 during such period of revocation.

18 (b-3) (Blank).

19 (b-4) When the Secretary of State receives a report of a
20 conviction of any violation indicating a person was operating
21 a motor vehicle that was not equipped with an ignition
22 interlock device during a time when the person was prohibited
23 from operating a motor vehicle not equipped with such a
24 device, the Secretary shall not issue a driver's license to
25 that person for an additional period of one year from the date
26 of the conviction.

1 (b-5) Any person convicted of violating this Section shall
2 serve a minimum term of imprisonment of 30 consecutive days or
3 300 hours of community service when the person's driving
4 privilege was revoked or suspended as a result of a violation
5 of Section 9-3 of the Criminal Code of 1961 or the Criminal
6 Code of 2012, relating to the offense of reckless homicide, or
7 a violation of subparagraph (F) of paragraph (1) of subsection
8 (d) of Section 11-501 of this Code, relating to the offense of
9 aggravated driving under the influence of alcohol, other drug
10 or drugs, or intoxicating compound or compounds, or any
11 combination thereof when the violation was a proximate cause
12 of a death, or a similar provision of a law of another state.
13 The court may give credit toward the fulfillment of community
14 service hours for participation in activities and treatment as
15 determined by court services.

16 (b-6) Upon receiving a report of a first conviction of
17 operating a motor vehicle while the person's driver's license,
18 permit, or privilege was revoked where the revocation was for
19 a violation of Section 9-3 of the Criminal Code of 1961 or the
20 Criminal Code of 2012 relating to the offense of reckless
21 homicide, or a violation of subparagraph (F) of paragraph (1)
22 of subsection (d) of Section 11-501 of this Code, relating to
23 the offense of aggravated driving under the influence of
24 alcohol, other drug or drugs, or intoxicating compound or
25 compounds, or any combination thereof when the violation was a
26 proximate cause of a death, or a similar out-of-state offense,

1 the Secretary shall not issue a driver's license for an
2 additional period of 3 years from the date of such conviction.

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

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

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

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

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

21 (c-1) Except as provided in subsections (a-7), (c-5), and
22 (d), any person convicted of a second violation of this
23 Section shall be ordered by the court to serve a minimum of 100
24 hours of community service. The court may give credit toward
25 the fulfillment of community service hours for participation
26 in activities and treatment as determined by court services.

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

4 (1) Seizure of the license plates of the person's
5 vehicle.

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

8 (c-3) Any person convicted of a violation of this Section
9 during a period of summary suspension imposed pursuant to
10 Section 11-501.1 when the person was eligible for a monitoring
11 device driving permit shall be guilty of a Class 4 felony and
12 shall serve a minimum term of imprisonment of 30 days.

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

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

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

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

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

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

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

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

26 The court may give credit toward the fulfillment of

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

3 (d-1) Except as provided in subsections (a-7), (d-2),
4 (d-2.5), and (d-3), any person convicted of a third or
5 subsequent violation of this Section shall serve a minimum
6 term of imprisonment of 30 days or 300 hours of community
7 service, as determined by the court. The court may give credit
8 toward the fulfillment of community service hours for
9 participation in activities and treatment as determined by
10 court services.

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

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

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

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

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

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

26 (2) the prior convictions under this Section occurred

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

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

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

26 (2) the prior convictions under this Section occurred

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

15 (d-3.5) Any person convicted of a fourth or subsequent
16 violation of this Section is guilty of a Class 1 felony, is not
17 eligible for probation or conditional discharge, and must
18 serve a mandatory term of imprisonment, ~~and is eligible for an~~
19 ~~extended term,~~ if:

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

1 influence of alcohol, other drug or drugs, or intoxicating
2 compound or compounds, or any combination thereof when the
3 violation was a proximate cause of a death, or a similar
4 out-of-state offense; and

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

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

25 (1) the current violation occurred when the person's
26 driver's license was suspended or revoked for a violation

1 of Section 11-401 or 11-501 of this Code, or a similar
2 out-of-state offense, or a similar provision of a local
3 ordinance, or a statutory summary suspension or revocation
4 under Section 11-501.1 of this Code; and

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

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

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

1 ordinance, or a statutory summary suspension or revocation
2 under Section 11-501.1 of this Code; and

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

18 (e) Any person in violation of this Section who is also in
19 violation of Section 7-601 of this Code relating to mandatory
20 insurance requirements, in addition to other penalties imposed
21 under this Section, shall have his or her motor vehicle
22 immediately impounded by the arresting law enforcement
23 officer. The motor vehicle may be released to any licensed
24 driver upon a showing of proof of insurance for the vehicle
25 that was impounded and the notarized written consent for the
26 release by the vehicle owner.

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

4 (g) The motor vehicle used in a violation of this Section
5 is subject to seizure and forfeiture as provided in Sections
6 36-1 and 36-2 of the Criminal Code of 2012 if the person's
7 driving privilege was revoked or suspended as a result of:

8 (1) a violation of Section 11-501 of this Code, a
9 similar provision of a local ordinance, or a similar
10 provision of a law of another state;

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

14 (3) a statutory summary suspension or revocation under
15 Section 11-501.1 of this Code or a similar provision of a
16 law of another state; or

17 (4) a violation of Section 9-3 of the Criminal Code of
18 1961 or the Criminal Code of 2012 relating to the offense
19 of reckless homicide, or a violation of subparagraph (F)
20 of paragraph (1) of subsection (d) of Section 11-501 of
21 this Code, relating to the offense of aggravated driving
22 under the influence of alcohol, other drug or drugs, or
23 intoxicating compound or compounds, or any combination
24 thereof when the violation was a proximate cause of a
25 death, or a similar provision of a law of another state.

26 (Source: P.A. 100-149, eff. 1-1-18; 100-575, eff. 1-8-18;

1 100-1004, eff. 1-1-19; 101-81, eff. 7-12-19.)

2 Section 10. The Criminal Code of 2012 is amended by
3 changing Sections 9-3.3 and 12-3.3 as follows:

4 (720 ILCS 5/9-3.3) (from Ch. 38, par. 9-3.3)

5 Sec. 9-3.3. Drug-induced homicide.

6 (a) A person commits drug-induced homicide when he or she
7 violates Section 401 of the Illinois Controlled Substances Act
8 or Section 55 of the Methamphetamine Control and Community
9 Protection Act by unlawfully delivering a controlled substance
10 to another, and any person's death is caused by the injection,
11 inhalation, absorption, or ingestion of any amount of that
12 controlled substance.

13 (a-5) A person commits drug-induced homicide when he or
14 she violates the law of another jurisdiction, which if the
15 violation had been committed in this State could be charged
16 under Section 401 of the Illinois Controlled Substances Act or
17 Section 55 of the Methamphetamine Control and Community
18 Protection Act, by unlawfully delivering a controlled
19 substance to another, and any person's death is caused in this
20 State by the injection, inhalation, absorption, or ingestion
21 of any amount of that controlled substance.

22 (b) Sentence. Drug-induced homicide is a Class X felony,
23 except:

24 (1) A person who commits drug-induced homicide by

1 violating subsection (a) or subsection (c) of Section 401
2 of the Illinois Controlled Substances Act or Section 55 of
3 the Methamphetamine Control and Community Protection Act
4 commits a Class X felony for which the defendant shall in
5 addition to a sentence authorized by law, be sentenced to
6 a term of imprisonment of not less than 15 years and not
7 more than 30 years ~~or an extended term of not less than 30~~
8 ~~years and not more than 60 years.~~

9 (2) A person who commits drug-induced homicide by
10 violating the law of another jurisdiction, which if the
11 violation had been committed in this State could be
12 charged under subsection (a) or subsection (c) of Section
13 401 of the Illinois Controlled Substances Act or Section
14 55 of the Methamphetamine Control and Community Protection
15 Act, commits a Class X felony for which the defendant
16 shall, in addition to a sentence authorized by law, be
17 sentenced to a term of imprisonment of not less than 15
18 years and not more than 30 years ~~or an extended term of not~~
19 ~~less than 30 years and not more than 60 years.~~

20 (Source: P.A. 100-404, eff. 1-1-18.)

21 (720 ILCS 5/12-3.3)

22 Sec. 12-3.3. Aggravated domestic battery.

23 (a) A person who, in committing a domestic battery,
24 knowingly causes great bodily harm, or permanent disability or
25 disfigurement commits aggravated domestic battery.

1 (a-5) A person who, in committing a domestic battery,
2 strangles another individual commits aggravated domestic
3 battery. For the purposes of this subsection (a-5), "strangle"
4 means intentionally impeding the normal breathing or
5 circulation of the blood of an individual by applying pressure
6 on the throat or neck of that individual or by blocking the
7 nose or mouth of that individual.

8 (b) Sentence. Aggravated domestic battery is a Class 2
9 felony. Any order of probation or conditional discharge
10 entered following a conviction for an offense under this
11 Section must include, in addition to any other condition of
12 probation or conditional discharge, a condition that the
13 offender serve a mandatory term of imprisonment of not less
14 than 60 consecutive days. A person convicted of a second or
15 subsequent violation of this Section must be sentenced to a
16 mandatory term of imprisonment of not less than 3 years and not
17 more than 7 years ~~or an extended term of imprisonment of not~~
18 ~~less than 7 years and not more than 14 years.~~

19 (c) Upon conviction of aggravated domestic battery, the
20 court shall advise the defendant orally or in writing,
21 substantially as follows: "An individual convicted of
22 aggravated domestic battery may be subject to federal criminal
23 penalties for possessing, transporting, shipping, or receiving
24 any firearm or ammunition in violation of the federal Gun
25 Control Act of 1968 (18 U.S.C. 922(g)(8) and (9))." A notation
26 shall be made in the court file that the admonition was given.

1 (Source: P.A. 96-287, eff. 8-11-09; 96-363, eff. 8-13-09;
2 96-1000, eff. 7-2-10; 96-1551, eff. 7-1-11.)

3 Section 15. The Unified Code of Corrections is amended by
4 changing Sections 5-4.5-20, 5-4.5-25, 5-4.5-30, 5-4.5-35,
5 5-4.5-40, 5-4.5-45, 5-4.5-95, 5-5-3, 5-5-3.2, 5-5-4, and 5-8-2
6 and by adding Section 5-4.5-120 as follows:

7 (730 ILCS 5/5-4.5-20)

8 Sec. 5-4.5-20. FIRST DEGREE MURDER; SENTENCE. For first
9 degree murder:

10 (a) TERM. The defendant shall be sentenced to imprisonment
11 or, if appropriate, death under Section 9-1 of the Criminal
12 Code of 1961 or the Criminal Code of 2012 (720 ILCS 5/9-1).
13 Imprisonment shall be for a determinate term, subject to
14 Section 5-4.5-115 of this Code, of (1) not less than 20 years
15 and not more than 60 years; (2) (blank); ~~not less than 60 years~~
16 ~~and not more than 100 years when an extended term is imposed~~
17 ~~under Section 5-8-2 (730 ILCS 5/5-8-2)~~; or (3) natural life as
18 provided in Section 5-8-1 (730 ILCS 5/5-8-1).

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

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

24 (d) PROBATION; CONDITIONAL DISCHARGE. A period of

1 probation or conditional discharge shall not be imposed.

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

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

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

9 (h) DRUG COURT. Drug court is not an authorized
10 disposition.

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

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

16 (k) ELECTRONIC MONITORING AND HOME DETENTION. Electronic
17 monitoring and home detention are not authorized dispositions,
18 except in limited circumstances as provided in Section 5-8A-3
19 (730 ILCS 5/5-8A-3).

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

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

1 (730 ILCS 5/5-4.5-25)

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

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

11 (b) PERIODIC IMPRISONMENT. A term of periodic imprisonment
12 shall not be imposed.

13 (c) IMPACT INCARCERATION. The impact incarceration program
14 or the county impact incarceration program is not an
15 authorized disposition.

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

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

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

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

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

1 program.

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

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

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

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

14 (Source: P.A. 100-431, eff. 8-25-17; 100-1182, eff. 6-1-19;
15 101-288, eff. 1-1-20.)

16 (730 ILCS 5/5-4.5-30)

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

19 (a) TERM. The sentence of imprisonment, other than for
20 second degree murder, shall be a determinate sentence of not
21 less than 4 years and not more than 15 years, subject to
22 Section 5-4.5-115 of this Code. The sentence of imprisonment
23 for second degree murder shall be a determinate sentence of
24 not less than 4 years and not more than 20 years, subject to
25 Section 5-4.5-115 of this Code. ~~The sentence of imprisonment~~

1 ~~for an extended term Class 1 felony, as provided in Section~~
2 ~~5-8-2 (730 ILCS 5/5-8-2), subject to Section 5-4.5-115 of this~~
3 ~~Code, shall be a term not less than 15 years and not more than~~
4 ~~30 years.~~

5 (b) PERIODIC IMPRISONMENT. A sentence of periodic
6 imprisonment shall be for a definite term of from 3 to 4 years,
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 4 years. 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). In no case shall an offender be eligible for a
19 disposition of probation or conditional discharge for a Class
20 1 felony committed while he or she was serving a term of
21 probation or conditional discharge for a felony.

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

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

26 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall

1 be concurrent or consecutive as provided in Section 5-8-4 (730
2 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

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

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

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

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

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

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

21 (730 ILCS 5/5-4.5-35)

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

24 (a) TERM. The sentence of imprisonment shall be a
25 determinate sentence of not less than 3 years and not more than

1 7 years. ~~The sentence of imprisonment for an extended term~~
2 ~~Class 2 felony, as provided in Section 5-8-2 (730 ILCS~~
3 ~~5/5-8-2), shall be a term not less than 7 years and not more~~
4 ~~than 14 years.~~

5 (b) PERIODIC IMPRISONMENT. A sentence of periodic
6 imprisonment shall be for a definite term of from 18 to 30
7 months, except as otherwise provided in Section 5-5-3 or 5-7-1
8 (730 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 4 years. 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 2 years upon release from imprisonment.

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

17 (730 ILCS 5/5-4.5-40)

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

20 (a) TERM. The sentence of imprisonment shall be a
21 determinate sentence of not less than 2 years and not more than
22 5 years. ~~The sentence of imprisonment for an extended term~~
23 ~~Class 3 felony, as provided in Section 5-8-2 (730 ILCS~~
24 ~~5/5-8-2), shall be a term not less than 5 years and not more~~
25 ~~than 10 years.~~

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

5 (c) IMPACT INCARCERATION. See Sections 5-8-1.1 and 5-8-1.2
6 (730 ILCS 5/5-8-1.1 and 5/5-8-1.2) concerning eligibility for
7 the impact incarceration program or the county impact
8 incarceration program.

9 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
10 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the
11 period of probation or conditional discharge shall not exceed
12 30 months. The court shall specify the conditions of probation
13 or conditional discharge as set forth in Section 5-6-3 (730
14 ILCS 5/5-6-3).

15 (e) FINE. Fines may be imposed as provided in Section
16 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

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

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

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

25 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
26 ILCS 5/5-4.5-100) concerning credit for time spent in home

1 detention prior to judgment.

2 (j) SENTENCE CREDIT. See Section 3-6-3 of this Code (730
3 ILCS 5/3-6-3) or the County Jail Good Behavior Allowance Act
4 (730 ILCS 130/) for rules and regulations for sentence credit.

5 (k) ELECTRONIC MONITORING AND HOME DETENTION. See Section
6 5-8A-3 (730 ILCS 5/5-8A-3) concerning eligibility for
7 electronic monitoring and home detention.

8 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
9 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or
10 5/5-8-1), the parole or mandatory supervised release term
11 shall be one year upon release from imprisonment.

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

13 (730 ILCS 5/5-4.5-45)

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

16 (a) TERM. The sentence of imprisonment shall be a
17 determinate sentence of not less than one year and not more
18 than 3 years. ~~The sentence of imprisonment for an extended~~
19 ~~term Class 4 felony, as provided in Section 5-8-2 (730 ILCS~~
20 ~~5/5-8-2), shall be a term not less than 3 years and not more~~
21 ~~than 6 years.~~

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

1 (c) IMPACT INCARCERATION. See Sections 5-8-1.1 and 5-8-1.2
2 (730 ILCS 5/5-8-1.1 and 5/5-8-1.2) concerning eligibility for
3 the impact incarceration program or the county impact
4 incarceration program.

5 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
6 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the
7 period of probation or conditional discharge shall not exceed
8 30 months. The court shall specify the conditions of probation
9 or conditional discharge as set forth in Section 5-6-3 (730
10 ILCS 5/5-6-3).

11 (e) FINE. Fines may be imposed as provided in Section
12 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

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

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

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

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

24 (j) SENTENCE CREDIT. See Section 3-6-3 of this Code (730
25 ILCS 5/3-6-3) or the County Jail Good Behavior Allowance Act
26 (730 ILCS 130/) for rules and regulations for sentence credit.

1 (k) ELECTRONIC MONITORING AND HOME DETENTION. See Section
2 5-8A-3 (730 ILCS 5/5-8A-3) concerning eligibility for
3 electronic monitoring and home detention.

4 (1) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
5 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or
6 5/5-8-1), the parole or mandatory supervised release term
7 shall be one year upon release from imprisonment.

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

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 (E) The first offense was committed when the
15 person was 21 years of age or older.

16 (5) Anyone who is adjudged an habitual criminal shall
17 be sentenced to a term of natural life 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 forcible felony after having~~
10 ~~twice been convicted in any state or federal court of an~~
11 ~~offense that contains the same elements as an offense now (the~~
12 ~~date the Class 1 or Class 2 forcible felony was committed)~~
13 ~~classified in Illinois as a Class 2 or greater Class forcible~~
14 ~~felony and those charges are separately brought and tried and~~
15 ~~arise out of different series of acts, that defendant shall be~~
16 ~~sentenced as a Class X offender. This subsection does not~~
17 ~~apply unless:~~

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

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

23 ~~(3) the third forcible felony was committed after~~
24 ~~conviction on the second; and~~

25 ~~(4) the first offense was committed when the person~~
26 ~~was 21 years of age or older.~~

1 (c) (Blank).

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. 100-3, eff. 1-1-18; 100-759, eff. 1-1-19;
7 101-652, eff. 7-1-21.)

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

9 Sec. 5-4.5-120. Application; resentencing.

10 (a) Notwithstanding any provision of this Code to the
11 contrary, the changes made by this amendatory Act of the 102nd
12 General Assembly apply to offenses committed before the
13 effective date of this amendatory Act of the 102nd General
14 Assembly, and to offenses committed on or after the effective
15 date of this amendatory Act of the 102nd General Assembly.

16 (b) A person:

17 (1) who is serving a sentence of incarceration on the
18 effective date of this amendatory Act of the 102nd General
19 Assembly for a conviction for, or plea of guilty to, one or
20 more felonies; and

21 (2) who was sentenced to an extended term for one or
22 more of those felonies;

23 may petition the trial court that entered the judgment of
24 conviction in his or her case to be resentenced in accordance
25 with the changes made by this amendatory Act of the 102nd

1 General Assembly.

2 A person who is resentenced under this subsection shall be
3 given credit for time served. Under no circumstances may
4 resentencing under this subsection result in the imposition of
5 a term longer than the original sentence imposed.

6 (730 ILCS 5/5-5-3)

7 Sec. 5-5-3. Disposition.

8 (a) (Blank).

9 (b) (Blank).

10 (c) (1) (Blank).

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

18 (A) First degree murder where the death penalty is not
19 imposed.

20 (B) Attempted first degree murder.

21 (C) A Class X felony.

22 (D) A violation of Section 401.1 or 407 of the
23 Illinois Controlled Substances Act, or a violation of
24 subdivision (c)(1.5) of Section 401 of that Act which
25 relates to more than 5 grams of a substance containing

1 fentanyl or an analog thereof.

2 (D-5) A violation of subdivision (c) (1) of Section 401
3 of the Illinois Controlled Substances Act which relates to
4 3 or more grams of a substance containing heroin or an
5 analog thereof.

6 (E) (Blank).

7 (F) A Class 1 or greater felony if the offender had
8 been convicted of a Class 1 or greater felony, including
9 any state or federal conviction for an offense that
10 contained, at the time it was committed, the same elements
11 as an offense now (the date of the offense committed after
12 the prior Class 1 or greater felony) classified as a Class
13 1 or greater felony, within 10 years of the date on which
14 the offender committed the offense for which he or she is
15 being sentenced, except as otherwise provided in Section
16 40-10 of the Substance Use Disorder Act.

17 (F-3) A Class 2 or greater felony sex offense or
18 felony firearm offense if the offender had been convicted
19 of a Class 2 or greater felony, including any state or
20 federal conviction for an offense that contained, at the
21 time it was committed, the same elements as an offense now
22 (the date of the offense committed after the prior Class 2
23 or greater felony) classified as a Class 2 or greater
24 felony, within 10 years of the date on which the offender
25 committed the offense for which he or she is being
26 sentenced, except as otherwise provided in Section 40-10

1 of the Substance Use Disorder Act.

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

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

7 (H) Criminal sexual assault.

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

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

14 Before July 1, 1994, for the purposes of this
15 paragraph, "organized gang" means an association of 5 or
16 more persons, with an established hierarchy, that
17 encourages members of the association to perpetrate crimes
18 or provides support to the members of the association who
19 do commit crimes.

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

24 (K) Vehicular hijacking.

25 (L) A second or subsequent conviction for the offense
26 of hate crime when the underlying offense upon which the

1 hate crime is based is felony aggravated assault or felony
2 mob action.

3 (M) A second or subsequent conviction for the offense
4 of institutional vandalism if the damage to the property
5 exceeds \$300.

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

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

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

14 (Q) A violation of subsection (b) or (b-5) of Section
15 20-1, Section 20-1.2, or Section 20-1.3 of the Criminal
16 Code of 1961 or the Criminal Code of 2012.

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

19 (S) (Blank).

20 (T) (Blank).

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

1 another state.

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

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

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

21 (Y) A conviction for unlawful possession of a firearm
22 by a street gang member when the firearm was loaded or
23 contained firearm ammunition.

24 (Z) A Class 1 felony committed while he or she was
25 serving a term of probation or conditional discharge for a
26 felony.

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

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

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

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

14 (EE) A conviction for a violation of paragraph (2) of
15 subsection (a) of Section 24-3B of the Criminal Code of
16 2012.

17 (3) (Blank).

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

22 (4.1) (Blank).

23 (4.2) Except as provided in paragraphs (4.3) and (4.8) of
24 this subsection (c), a minimum of 100 hours of community
25 service shall be imposed for a second violation of Section
26 6-303 of the Illinois Vehicle Code.

1 (4.3) A minimum term of imprisonment of 30 days or 300
2 hours of community service, as determined by the court, shall
3 be imposed for a second violation of subsection (c) of Section
4 6-303 of the Illinois Vehicle Code.

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

13 (4.5) A minimum term of imprisonment of 30 days shall be
14 imposed for a third violation of subsection (c) of Section
15 6-303 of the Illinois Vehicle Code.

16 (4.6) Except as provided in paragraph (4.10) of this
17 subsection (c), a minimum term of imprisonment of 180 days
18 shall be imposed for a fourth or subsequent violation of
19 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

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

25 (4.8) A mandatory prison sentence shall be imposed for a
26 second violation of subsection (a-5) of Section 6-303 of the

1 Illinois Vehicle Code, as provided in subsection (c-5) of that
2 Section. The person's driving privileges shall be revoked for
3 a period of not less than 5 years from the date of his or her
4 release from prison.

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

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

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

20 (A) a period of conditional discharge;

21 (B) a fine;

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

24 (5.1) In addition to any other penalties imposed, and
25 except as provided in paragraph (5.2) or (5.3), a person
26 convicted of violating subsection (c) of Section 11-907 of the

1 Illinois Vehicle Code shall have his or her driver's license,
2 permit, or privileges suspended for at least 90 days but not
3 more than one year, if the violation resulted in damage to the
4 property of another person.

5 (5.2) In addition to any other penalties imposed, and
6 except as provided in paragraph (5.3), a person convicted of
7 violating subsection (c) of Section 11-907 of the Illinois
8 Vehicle Code shall have his or her driver's license, permit,
9 or privileges suspended for at least 180 days but not more than
10 2 years, if the violation resulted in injury to another
11 person.

12 (5.3) In addition to any other penalties imposed, a person
13 convicted of violating subsection (c) of Section 11-907 of the
14 Illinois Vehicle Code shall have his or her driver's license,
15 permit, or privileges suspended for 2 years, if the violation
16 resulted in the death of another person.

17 (5.4) In addition to any other penalties imposed, a person
18 convicted of violating Section 3-707 of the Illinois Vehicle
19 Code shall have his or her driver's license, permit, or
20 privileges suspended for 3 months and until he or she has paid
21 a reinstatement fee of \$100.

22 (5.5) In addition to any other penalties imposed, a person
23 convicted of violating Section 3-707 of the Illinois Vehicle
24 Code during a period in which his or her driver's license,
25 permit, or privileges were suspended for a previous violation
26 of that Section shall have his or her driver's license,

1 permit, or privileges suspended for an additional 6 months
2 after the expiration of the original 3-month suspension and
3 until he or she has paid a reinstatement fee of \$100.

4 (6) (Blank).

5 (7) (Blank).

6 (8) (Blank).

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

10 (10) (Blank).

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

1 (12) A person may not receive a disposition of court
2 supervision for a violation of Section 5-16 of the Boat
3 Registration and Safety Act if that person has previously
4 received a disposition of court supervision for a violation of
5 that Section.

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

15 (d) In any case in which a sentence originally imposed is
16 vacated, the case shall be remanded to the trial court. The
17 trial court shall hold a hearing under Section 5-4-1 of this
18 Code which may include evidence of the defendant's life, moral
19 character and occupation during the time since the original
20 sentence was passed. The trial court shall then impose
21 sentence upon the defendant. The trial court may impose any
22 sentence which could have been imposed at the original trial
23 subject to Section 5-5-4 of this Code. If a sentence is vacated
24 on appeal or on collateral attack due to the failure of the
25 trier of fact at trial to determine beyond a reasonable doubt
26 the existence of a fact (other than a prior conviction)

1 necessary to increase the punishment for the offense beyond
2 the statutory maximum otherwise applicable, ~~either~~ the
3 defendant may be re-sentenced to a term within the range
4 otherwise provided ~~or, if the State files notice of its~~
5 ~~intention to again seek the extended sentence, the defendant~~
6 ~~shall be afforded a new trial.~~

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

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

16 (A) the defendant is willing to undergo a court
17 approved counseling program for a minimum duration of
18 2 years; or

19 (B) the defendant is willing to participate in a
20 court approved plan including but not limited to the
21 defendant's:

22 (i) removal from the household;

23 (ii) restricted contact with the victim;

24 (iii) continued financial support of the
25 family;

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

1 and

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

4 (2) the court orders the defendant to pay for the
5 victim's counseling services, to the extent that the court
6 finds, after considering the defendant's income and
7 assets, that the defendant is financially capable of
8 paying for such services, if the victim was under 18 years
9 of age at the time the offense was committed and requires
10 counseling as a result of the offense.

11 Probation may be revoked or modified pursuant to Section
12 5-6-4; except where the court determines at the hearing that
13 the defendant violated a condition of his or her probation
14 restricting contact with the victim or other family members or
15 commits another offense with the victim or other family
16 members, the court shall revoke the defendant's probation and
17 impose a term of imprisonment.

18 For the purposes of this Section, "family member" and
19 "victim" shall have the meanings ascribed to them in Section
20 11-0.1 of the Criminal Code of 2012.

21 (f) (Blank).

22 (g) Whenever a defendant is convicted of an offense under
23 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,
24 11-14.3, 11-14.4 except for an offense that involves keeping a
25 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,
26 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,

1 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the
2 Criminal Code of 2012, the defendant shall undergo medical
3 testing to determine whether the defendant has any sexually
4 transmissible disease, including a test for infection with
5 human immunodeficiency virus (HIV) or any other identified
6 causative agent of acquired immunodeficiency syndrome (AIDS).
7 Any such medical test shall be performed only by appropriately
8 licensed medical practitioners and may include an analysis of
9 any bodily fluids as well as an examination of the defendant's
10 person. Except as otherwise provided by law, the results of
11 such test shall be kept strictly confidential by all medical
12 personnel involved in the testing and must be personally
13 delivered in a sealed envelope to the judge of the court in
14 which the conviction was entered for the judge's inspection in
15 camera. Acting in accordance with the best interests of the
16 victim and the public, the judge shall have the discretion to
17 determine to whom, if anyone, the results of the testing may be
18 revealed. The court shall notify the defendant of the test
19 results. The court shall also notify the victim if requested
20 by the victim, and if the victim is under the age of 15 and if
21 requested by the victim's parents or legal guardian, the court
22 shall notify the victim's parents or legal guardian of the
23 test results. The court shall provide information on the
24 availability of HIV testing and counseling at Department of
25 Public Health facilities to all parties to whom the results of
26 the testing are revealed and shall direct the State's Attorney

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

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

22 (h) Whenever a defendant is convicted of an offense under
23 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
24 defendant shall undergo medical testing to determine whether
25 the defendant has been exposed to human immunodeficiency virus
26 (HIV) or any other identified causative agent of acquired

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

25 (i) All fines and penalties imposed under this Section for
26 any violation of Chapters 3, 4, 6, and 11 of the Illinois

1 Vehicle Code, or a similar provision of a local ordinance, and
2 any violation of the Child Passenger Protection Act, or a
3 similar provision of a local ordinance, shall be collected and
4 disbursed by the circuit clerk as provided under the Criminal
5 and Traffic Assessment Act.

6 (j) In cases when prosecution for any violation of Section
7 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,
8 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,
9 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
10 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,
11 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal
12 Code of 2012, any violation of the Illinois Controlled
13 Substances Act, any violation of the Cannabis Control Act, or
14 any violation of the Methamphetamine Control and Community
15 Protection Act results in conviction, a disposition of court
16 supervision, or an order of probation granted under Section 10
17 of the Cannabis Control Act, Section 410 of the Illinois
18 Controlled Substances Act, or Section 70 of the
19 Methamphetamine Control and Community Protection Act of a
20 defendant, the court shall determine whether the defendant is
21 employed by a facility or center as defined under the Child
22 Care Act of 1969, a public or private elementary or secondary
23 school, or otherwise works with children under 18 years of age
24 on a daily basis. When a defendant is so employed, the court
25 shall order the Clerk of the Court to send a copy of the
26 judgment of conviction or order of supervision or probation to

1 the defendant's employer by certified mail. If the employer of
2 the defendant is a school, the Clerk of the Court shall direct
3 the mailing of a copy of the judgment of conviction or order of
4 supervision or probation to the appropriate regional
5 superintendent of schools. The regional superintendent of
6 schools shall notify the State Board of Education of any
7 notification under this subsection.

8 (j-5) A defendant at least 17 years of age who is convicted
9 of a felony and who has not been previously convicted of a
10 misdemeanor or felony and who is sentenced to a term of
11 imprisonment in the Illinois Department of Corrections shall
12 as a condition of his or her sentence be required by the court
13 to attend educational courses designed to prepare the
14 defendant for a high school diploma and to work toward a high
15 school diploma or to work toward passing high school
16 equivalency testing or to work toward completing a vocational
17 training program offered by the Department of Corrections. If
18 a defendant fails to complete the educational training
19 required by his or her sentence during the term of
20 incarceration, the Prisoner Review Board shall, as a condition
21 of mandatory supervised release, require the defendant, at his
22 or her own expense, to pursue a course of study toward a high
23 school diploma or passage of high school equivalency testing.
24 The Prisoner Review Board shall revoke the mandatory
25 supervised release of a defendant who wilfully fails to comply
26 with this subsection (j-5) upon his or her release from

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

15 (k) (Blank).

16 (l) (A) Except as provided in paragraph (C) of subsection
17 (l), whenever a defendant, who is an alien as defined by the
18 Immigration and Nationality Act, is convicted of any felony or
19 misdemeanor offense, the court after sentencing the defendant
20 may, upon motion of the State's Attorney, hold sentence in
21 abeyance and remand the defendant to the custody of the
22 Attorney General of the United States or his or her designated
23 agent to be deported when:

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

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

4 Otherwise, the defendant shall be sentenced as provided in
5 this Chapter V.

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

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

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

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

24 (D) Upon motion of the State's Attorney, if a defendant
25 sentenced under this Section returns to the jurisdiction of
26 the United States, the defendant shall be recommitted to the

1 custody of the county from which he or she was sentenced.
2 Thereafter, the defendant shall be brought before the
3 sentencing court, which may impose any sentence that was
4 available under Section 5-5-3 at the time of initial
5 sentencing. In addition, the defendant shall not be eligible
6 for additional earned sentence credit as provided under
7 Section 3-6-3.

8 (m) A person convicted of criminal defacement of property
9 under Section 21-1.3 of the Criminal Code of 1961 or the
10 Criminal Code of 2012, in which the property damage exceeds
11 \$300 and the property damaged is a school building, shall be
12 ordered to perform community service that may include cleanup,
13 removal, or painting over the defacement.

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

23 (o) Whenever a person is convicted of a sex offense as
24 defined in Section 2 of the Sex Offender Registration Act, the
25 defendant's driver's license or permit shall be subject to
26 renewal on an annual basis in accordance with the provisions

1 of license renewal established by the Secretary of State.

2 (Source: P.A. 100-575, eff. 1-8-18; 100-759, eff. 1-1-19;
3 100-987, eff. 7-1-19; 101-81, eff. 7-12-19.)

4 (730 ILCS 5/5-5-3.2)

5 (Text of Section before amendment by P.A. 101-652)

6 Sec. 5-5-3.2. Factors in aggravation ~~and extended term~~
7 ~~sentencing.~~

8 (a) The following factors shall be accorded weight in
9 favor of imposing a term of imprisonment or may be considered
10 by the court as reasons to impose a more severe sentence under
11 Section 5-8-1 or Article 4.5 of Chapter V:

12 (1) the defendant's conduct caused or threatened
13 serious harm;

14 (2) the defendant received compensation for committing
15 the offense;

16 (3) the defendant has a history of prior delinquency
17 or criminal activity;

18 (4) the defendant, by the duties of his office or by
19 his position, was obliged to prevent the particular
20 offense committed or to bring the offenders committing it
21 to justice;

22 (5) the defendant held public office at the time of
23 the offense, and the offense related to the conduct of
24 that office;

25 (6) the defendant utilized his professional reputation

1 or position in the community to commit the offense, or to
2 afford him an easier means of committing it;

3 (7) the sentence is necessary to deter others from
4 committing the same crime;

5 (8) the defendant committed the offense against a
6 person 60 years of age or older or such person's property;

7 (9) the defendant committed the offense against a
8 person who has a physical disability or such person's
9 property;

10 (10) by reason of another individual's actual or
11 perceived race, color, creed, religion, ancestry, gender,
12 sexual orientation, physical or mental disability, or
13 national origin, the defendant committed the offense
14 against (i) the person or property of that individual;
15 (ii) the person or property of a person who has an
16 association with, is married to, or has a friendship with
17 the other individual; or (iii) the person or property of a
18 relative (by blood or marriage) of a person described in
19 clause (i) or (ii). For the purposes of this Section,
20 "sexual orientation" has the meaning ascribed to it in
21 paragraph (0-1) of Section 1-103 of the Illinois Human
22 Rights Act;

23 (11) the offense took place in a place of worship or on
24 the grounds of a place of worship, immediately prior to,
25 during or immediately following worship services. For
26 purposes of this subparagraph, "place of worship" shall

1 mean any church, synagogue or other building, structure or
2 place used primarily for religious worship;

3 (12) the defendant was convicted of a felony committed
4 while he was released on bail or his own recognizance
5 pending trial for a prior felony and was convicted of such
6 prior felony, or the defendant was convicted of a felony
7 committed while he was serving a period of probation,
8 conditional discharge, or mandatory supervised release
9 under subsection (d) of Section 5-8-1 for a prior felony;

10 (13) the defendant committed or attempted to commit a
11 felony while he was wearing a bulletproof vest. For the
12 purposes of this paragraph (13), a bulletproof vest is any
13 device which is designed for the purpose of protecting the
14 wearer from bullets, shot or other lethal projectiles;

15 (14) the defendant held a position of trust or
16 supervision such as, but not limited to, family member as
17 defined in Section 11-0.1 of the Criminal Code of 2012,
18 teacher, scout leader, baby sitter, or day care worker, in
19 relation to a victim under 18 years of age, and the
20 defendant committed an offense in violation of Section
21 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,
22 11-14.4 except for an offense that involves keeping a
23 place of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,
24 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15
25 or 12-16 of the Criminal Code of 1961 or the Criminal Code
26 of 2012 against that victim;

1 (15) the defendant committed an offense related to the
2 activities of an organized gang. For the purposes of this
3 factor, "organized gang" has the meaning ascribed to it in
4 Section 10 of the Streetgang Terrorism Omnibus Prevention
5 Act;

6 (16) the defendant committed an offense in violation
7 of one of the following Sections while in a school,
8 regardless of the time of day or time of year; on any
9 conveyance owned, leased, or contracted by a school to
10 transport students to or from school or a school related
11 activity; on the real property of a school; or on a public
12 way within 1,000 feet of the real property comprising any
13 school: Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30,
14 11-1.40, 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1,
15 11-18.1, 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2,
16 12-4.3, 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1,
17 12-15, 12-16, 18-2, or 33A-2, or Section 12-3.05 except
18 for subdivision (a)(4) or (g)(1), of the Criminal Code of
19 1961 or the Criminal Code of 2012;

20 (16.5) the defendant committed an offense in violation
21 of one of the following Sections while in a day care
22 center, regardless of the time of day or time of year; on
23 the real property of a day care center, regardless of the
24 time of day or time of year; or on a public way within
25 1,000 feet of the real property comprising any day care
26 center, regardless of the time of day or time of year:

1 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
2 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
3 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
4 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
5 18-2, or 33A-2, or Section 12-3.05 except for subdivision
6 (a)(4) or (g)(1), of the Criminal Code of 1961 or the
7 Criminal Code of 2012;

8 (17) the defendant committed the offense by reason of
9 any person's activity as a community policing volunteer or
10 to prevent any person from engaging in activity as a
11 community policing volunteer. For the purpose of this
12 Section, "community policing volunteer" has the meaning
13 ascribed to it in Section 2-3.5 of the Criminal Code of
14 2012;

15 (18) the defendant committed the offense in a nursing
16 home or on the real property comprising a nursing home.
17 For the purposes of this paragraph (18), "nursing home"
18 means a skilled nursing or intermediate long term care
19 facility that is subject to license by the Illinois
20 Department of Public Health under the Nursing Home Care
21 Act, the Specialized Mental Health Rehabilitation Act of
22 2013, the ID/DD Community Care Act, or the MC/DD Act;

23 (19) the defendant was a federally licensed firearm
24 dealer and was previously convicted of a violation of
25 subsection (a) of Section 3 of the Firearm Owners
26 Identification Card Act and has now committed either a

1 felony violation of the Firearm Owners Identification Card
2 Act or an act of armed violence while armed with a firearm;

3 (20) the defendant (i) committed the offense of
4 reckless homicide under Section 9-3 of the Criminal Code
5 of 1961 or the Criminal Code of 2012 or the offense of
6 driving under the influence of alcohol, other drug or
7 drugs, intoxicating compound or compounds or any
8 combination thereof under Section 11-501 of the Illinois
9 Vehicle Code or a similar provision of a local ordinance
10 and (ii) was operating a motor vehicle in excess of 20
11 miles per hour over the posted speed limit as provided in
12 Article VI of Chapter 11 of the Illinois Vehicle Code;

13 (21) the defendant (i) committed the offense of
14 reckless driving or aggravated reckless driving under
15 Section 11-503 of the Illinois Vehicle Code and (ii) was
16 operating a motor vehicle in excess of 20 miles per hour
17 over the posted speed limit as provided in Article VI of
18 Chapter 11 of the Illinois Vehicle Code;

19 (22) the defendant committed the offense against a
20 person that the defendant knew, or reasonably should have
21 known, was a member of the Armed Forces of the United
22 States serving on active duty. For purposes of this clause
23 (22), the term "Armed Forces" means any of the Armed
24 Forces of the United States, including a member of any
25 reserve component thereof or National Guard unit called to
26 active duty;

1 (23) the defendant committed the offense against a
2 person who was elderly or infirm or who was a person with a
3 disability by taking advantage of a family or fiduciary
4 relationship with the elderly or infirm person or person
5 with a disability;

6 (24) the defendant committed any offense under Section
7 11-20.1 of the Criminal Code of 1961 or the Criminal Code
8 of 2012 and possessed 100 or more images;

9 (25) the defendant committed the offense while the
10 defendant or the victim was in a train, bus, or other
11 vehicle used for public transportation;

12 (26) the defendant committed the offense of child
13 pornography or aggravated child pornography, specifically
14 including paragraph (1), (2), (3), (4), (5), or (7) of
15 subsection (a) of Section 11-20.1 of the Criminal Code of
16 1961 or the Criminal Code of 2012 where a child engaged in,
17 solicited for, depicted in, or posed in any act of sexual
18 penetration or bound, fettered, or subject to sadistic,
19 masochistic, or sadomasochistic abuse in a sexual context
20 and specifically including paragraph (1), (2), (3), (4),
21 (5), or (7) of subsection (a) of Section 11-20.1B or
22 Section 11-20.3 of the Criminal Code of 1961 where a child
23 engaged in, solicited for, depicted in, or posed in any
24 act of sexual penetration or bound, fettered, or subject
25 to sadistic, masochistic, or sadomasochistic abuse in a
26 sexual context;

1 (27) the defendant committed the offense of first
2 degree murder, assault, aggravated assault, battery,
3 aggravated battery, robbery, armed robbery, or aggravated
4 robbery against a person who was a veteran and the
5 defendant knew, or reasonably should have known, that the
6 person was a veteran performing duties as a representative
7 of a veterans' organization. For the purposes of this
8 paragraph (27), "veteran" means an Illinois resident who
9 has served as a member of the United States Armed Forces, a
10 member of the Illinois National Guard, or a member of the
11 United States Reserve Forces; and "veterans' organization"
12 means an organization comprised of members of which
13 substantially all are individuals who are veterans or
14 spouses, widows, or widowers of veterans, the primary
15 purpose of which is to promote the welfare of its members
16 and to provide assistance to the general public in such a
17 way as to confer a public benefit;

18 (28) the defendant committed the offense of assault,
19 aggravated assault, battery, aggravated battery, robbery,
20 armed robbery, or aggravated robbery against a person that
21 the defendant knew or reasonably should have known was a
22 letter carrier or postal worker while that person was
23 performing his or her duties delivering mail for the
24 United States Postal Service;

25 (29) the defendant committed the offense of criminal
26 sexual assault, aggravated criminal sexual assault,

1 criminal sexual abuse, or aggravated criminal sexual abuse
2 against a victim with an intellectual disability, and the
3 defendant holds a position of trust, authority, or
4 supervision in relation to the victim;

5 (30) the defendant committed the offense of promoting
6 juvenile prostitution, patronizing a prostitute, or
7 patronizing a minor engaged in prostitution and at the
8 time of the commission of the offense knew that the
9 prostitute or minor engaged in prostitution was in the
10 custody or guardianship of the Department of Children and
11 Family Services;

12 (31) the defendant (i) committed the offense of
13 driving while under the influence of alcohol, other drug
14 or drugs, intoxicating compound or compounds or any
15 combination thereof in violation of Section 11-501 of the
16 Illinois Vehicle Code or a similar provision of a local
17 ordinance and (ii) the defendant during the commission of
18 the offense was driving his or her vehicle upon a roadway
19 designated for one-way traffic in the opposite direction
20 of the direction indicated by official traffic control
21 devices; ~~or~~

22 (32) the defendant committed the offense of reckless
23 homicide while committing a violation of Section 11-907 of
24 the Illinois Vehicle Code; ~~and~~

25 (33) ~~(32)~~ the defendant was found guilty of an
26 administrative infraction related to an act or acts of

1 public indecency or sexual misconduct in the penal
2 institution. In this paragraph (33) ~~(32)~~, "penal
3 institution" has the same meaning as in Section 2-14 of
4 the Criminal Code of 2012; or.

5 (34) ~~(32)~~ the defendant committed the offense of
6 leaving the scene of an accident in violation of
7 subsection (b) of Section 11-401 of the Illinois Vehicle
8 Code and the accident resulted in the death of a person and
9 at the time of the offense, the defendant was: (i) driving
10 under the influence of alcohol, other drug or drugs,
11 intoxicating compound or compounds or any combination
12 thereof as defined by Section 11-501 of the Illinois
13 Vehicle Code; or (ii) operating the motor vehicle while
14 using an electronic communication device as defined in
15 Section 12-610.2 of the Illinois Vehicle Code.

16 For the purposes of this Section:

17 "School" is defined as a public or private elementary or
18 secondary school, community college, college, or university.

19 "Day care center" means a public or private State
20 certified and licensed day care center as defined in Section
21 2.09 of the Child Care Act of 1969 that displays a sign in
22 plain view stating that the property is a day care center.

23 "Intellectual disability" means significantly subaverage
24 intellectual functioning which exists concurrently with
25 impairment in adaptive behavior.

26 "Public transportation" means the transportation or

1 conveyance of persons by means available to the general
2 public, and includes paratransit services.

3 "Traffic control devices" means all signs, signals,
4 markings, and devices that conform to the Illinois Manual on
5 Uniform Traffic Control Devices, placed or erected by
6 authority of a public body or official having jurisdiction,
7 for the purpose of regulating, warning, or guiding traffic.

8 (b) (Blank). ~~The following factors, related to all~~
9 ~~felonies, may be considered by the court as reasons to impose~~
10 ~~an extended term sentence under Section 5-8-2 upon any~~
11 ~~offender:~~

12 ~~(1) When a defendant is convicted of any felony, after~~
13 ~~having been previously convicted in Illinois or any other~~
14 ~~jurisdiction of the same or similar class felony or~~
15 ~~greater class felony, when such conviction has occurred~~
16 ~~within 10 years after the previous conviction, excluding~~
17 ~~time spent in custody, and such charges are separately~~
18 ~~brought and tried and arise out of different series of~~
19 ~~acts; or~~

20 ~~(2) When a defendant is convicted of any felony and~~
21 ~~the court finds that the offense was accompanied by~~
22 ~~exceptionally brutal or heinous behavior indicative of~~
23 ~~wanton cruelty; or~~

24 ~~(3) When a defendant is convicted of any felony~~
25 ~~committed against:~~

26 ~~(i) a person under 12 years of age at the time of~~

1 ~~the offense or such person's property;~~

2 ~~(ii) a person 60 years of age or older at the time~~
3 ~~of the offense or such person's property; or~~

4 ~~(iii) a person who had a physical disability at~~
5 ~~the time of the offense or such person's property; or~~

6 ~~(4) When a defendant is convicted of any felony and~~
7 ~~the offense involved any of the following types of~~
8 ~~specific misconduct committed as part of a ceremony, rite,~~
9 ~~initiation, observance, performance, practice or activity~~
10 ~~of any actual or ostensible religious, fraternal, or~~
11 ~~social group:~~

12 ~~(i) the brutalizing or torturing of humans or~~
13 ~~animals;~~

14 ~~(ii) the theft of human corpses;~~

15 ~~(iii) the kidnapping of humans;~~

16 ~~(iv) the desecration of any cemetery, religious,~~
17 ~~fraternal, business, governmental, educational, or~~
18 ~~other building or property; or~~

19 ~~(v) ritualized abuse of a child; or~~

20 ~~(5) When a defendant is convicted of a felony other~~
21 ~~than conspiracy and the court finds that the felony was~~
22 ~~committed under an agreement with 2 or more other persons~~
23 ~~to commit that offense and the defendant, with respect to~~
24 ~~the other individuals, occupied a position of organizer,~~
25 ~~supervisor, financier, or any other position of management~~
26 ~~or leadership, and the court further finds that the felony~~

1 ~~committed was related to or in furtherance of the criminal~~
2 ~~activities of an organized gang or was motivated by the~~
3 ~~defendant's leadership in an organized gang; or~~

4 ~~(6) When a defendant is convicted of an offense~~
5 ~~committed while using a firearm with a laser sight~~
6 ~~attached to it. For purposes of this paragraph, "laser~~
7 ~~sight" has the meaning ascribed to it in Section 26-7 of~~
8 ~~the Criminal Code of 2012; or~~

9 ~~(7) When a defendant who was at least 17 years of age~~
10 ~~at the time of the commission of the offense is convicted~~
11 ~~of a felony and has been previously adjudicated a~~
12 ~~delinquent minor under the Juvenile Court Act of 1987 for~~
13 ~~an act that if committed by an adult would be a Class X or~~
14 ~~Class 1 felony when the conviction has occurred within 10~~
15 ~~years after the previous adjudication, excluding time~~
16 ~~spent in custody; or~~

17 ~~(8) When a defendant commits any felony and the~~
18 ~~defendant used, possessed, exercised control over, or~~
19 ~~otherwise directed an animal to assault a law enforcement~~
20 ~~officer engaged in the execution of his or her official~~
21 ~~duties or in furtherance of the criminal activities of an~~
22 ~~organized gang in which the defendant is engaged; or~~

23 ~~(9) When a defendant commits any felony and the~~
24 ~~defendant knowingly video or audio records the offense~~
25 ~~with the intent to disseminate the recording.~~

26 (c) (Blank). ~~The following factors may be considered by~~

1 ~~the court as reasons to impose an extended term sentence under~~
2 ~~Section 5-8-2 (730 ILCS 5/5-8-2) upon any offender for the~~
3 ~~listed offenses:~~

4 ~~(1) When a defendant is convicted of first degree~~
5 ~~murder, after having been previously convicted in Illinois~~
6 ~~of any offense listed under paragraph (c) (2) of Section~~
7 ~~5-5-3 (730 ILCS 5/5-5-3), when that conviction has~~
8 ~~occurred within 10 years after the previous conviction,~~
9 ~~excluding time spent in custody, and the charges are~~
10 ~~separately brought and tried and arise out of different~~
11 ~~series of acts.~~

12 ~~(1.5) When a defendant is convicted of first degree~~
13 ~~murder, after having been previously convicted of domestic~~
14 ~~battery (720 ILCS 5/12-3.2) or aggravated domestic battery~~
15 ~~(720 ILCS 5/12-3.3) committed on the same victim or after~~
16 ~~having been previously convicted of violation of an order~~
17 ~~of protection (720 ILCS 5/12-30) in which the same victim~~
18 ~~was the protected person.~~

19 ~~(2) When a defendant is convicted of voluntary~~
20 ~~manslaughter, second degree murder, involuntary~~
21 ~~manslaughter, or reckless homicide in which the defendant~~
22 ~~has been convicted of causing the death of more than one~~
23 ~~individual.~~

24 ~~(3) When a defendant is convicted of aggravated~~
25 ~~criminal sexual assault or criminal sexual assault, when~~
26 ~~there is a finding that aggravated criminal sexual assault~~

1 ~~or criminal sexual assault was also committed on the same~~
2 ~~victim by one or more other individuals, and the defendant~~
3 ~~voluntarily participated in the crime with the knowledge~~
4 ~~of the participation of the others in the crime, and the~~
5 ~~commission of the crime was part of a single course of~~
6 ~~conduct during which there was no substantial change in~~
7 ~~the nature of the criminal objective.~~

8 ~~(4) If the victim was under 18 years of age at the time~~
9 ~~of the commission of the offense, when a defendant is~~
10 ~~convicted of aggravated criminal sexual assault or~~
11 ~~predatory criminal sexual assault of a child under~~
12 ~~subsection (a) (1) of Section 11-1.40 or subsection (a) (1)~~
13 ~~of Section 12-14.1 of the Criminal Code of 1961 or the~~
14 ~~Criminal Code of 2012 (720 ILCS 5/11-1.40 or 5/12-14.1).~~

15 ~~(5) When a defendant is convicted of a felony~~
16 ~~violation of Section 24-1 of the Criminal Code of 1961 or~~
17 ~~the Criminal Code of 2012 (720 ILCS 5/24-1) and there is a~~
18 ~~finding that the defendant is a member of an organized~~
19 ~~gang.~~

20 ~~(6) When a defendant was convicted of unlawful use of~~
21 ~~weapons under Section 24-1 of the Criminal Code of 1961 or~~
22 ~~the Criminal Code of 2012 (720 ILCS 5/24-1) for possessing~~
23 ~~a weapon that is not readily distinguishable as one of the~~
24 ~~weapons enumerated in Section 24-1 of the Criminal Code of~~
25 ~~1961 or the Criminal Code of 2012 (720 ILCS 5/24-1).~~

26 ~~(7) When a defendant is convicted of an offense~~

1 ~~involving the illegal manufacture of a controlled~~
2 ~~substance under Section 401 of the Illinois Controlled~~
3 ~~Substances Act (720 ILCS 570/401), the illegal manufacture~~
4 ~~of methamphetamine under Section 25 of the Methamphetamine~~
5 ~~Control and Community Protection Act (720 ILCS 646/25), or~~
6 ~~the illegal possession of explosives and an emergency~~
7 ~~response officer in the performance of his or her duties~~
8 ~~is killed or injured at the scene of the offense while~~
9 ~~responding to the emergency caused by the commission of~~
10 ~~the offense. In this paragraph, "emergency" means a~~
11 ~~situation in which a person's life, health, or safety is~~
12 ~~in jeopardy; and "emergency response officer" means a~~
13 ~~peace officer, community policing volunteer, fireman,~~
14 ~~emergency medical technician ambulance, emergency medical~~
15 ~~technician intermediate, emergency medical~~
16 ~~technician paramedic, ambulance driver, other medical~~
17 ~~assistance or first aid personnel, or hospital emergency~~
18 ~~room personnel.~~

19 ~~(8) When the defendant is convicted of attempted mob~~
20 ~~action, solicitation to commit mob action, or conspiracy~~
21 ~~to commit mob action under Section 8-1, 8-2, or 8-4 of the~~
22 ~~Criminal Code of 2012, where the criminal object is a~~
23 ~~violation of Section 25-1 of the Criminal Code of 2012,~~
24 ~~and an electronic communication is used in the commission~~
25 ~~of the offense. For the purposes of this paragraph (8),~~
26 ~~"electronic communication" shall have the meaning provided~~

1 ~~in Section 26.5-0.1 of the Criminal Code of 2012.~~

2 (d) For the purposes of this Section, "organized gang" has
3 the meaning ascribed to it in Section 10 of the Illinois
4 Streetgang Terrorism Omnibus Prevention Act.

5 (e) (Blank). ~~The court may impose an extended term~~
6 ~~sentence under Article 4.5 of Chapter V upon an offender who~~
7 ~~has been convicted of a felony violation of Section 11 1.20,~~
8 ~~11 1.30, 11 1.40, 11 1.50, 11 1.60, 12 13, 12 14, 12 14.1,~~
9 ~~12 15, or 12 16 of the Criminal Code of 1961 or the Criminal~~
10 ~~Code of 2012 when the victim of the offense is under 18 years~~
11 ~~of age at the time of the commission of the offense and, during~~
12 ~~the commission of the offense, the victim was under the~~
13 ~~influence of alcohol, regardless of whether or not the alcohol~~
14 ~~was supplied by the offender; and the offender, at the time of~~
15 ~~the commission of the offense, knew or should have known that~~
16 ~~the victim had consumed alcohol.~~

17 (Source: P.A. 100-1053, eff. 1-1-19; 101-173, eff. 1-1-20;
18 101-401, eff. 1-1-20; 101-417, eff. 1-1-20; revised 9-18-19.)

19 (Text of Section after amendment by P.A. 101-652)

20 Sec. 5-5-3.2. Factors in aggravation ~~and extended term~~
21 ~~sentencing.~~

22 (a) The following factors shall be accorded weight in
23 favor of imposing a term of imprisonment or may be considered
24 by the court as reasons to impose a more severe sentence under
25 Section 5-8-1 or Article 4.5 of Chapter V:

1 (1) the defendant's conduct caused or threatened
2 serious harm;

3 (2) the defendant received compensation for committing
4 the offense;

5 (3) the defendant has a history of prior delinquency
6 or criminal activity;

7 (4) the defendant, by the duties of his office or by
8 his position, was obliged to prevent the particular
9 offense committed or to bring the offenders committing it
10 to justice;

11 (5) the defendant held public office at the time of
12 the offense, and the offense related to the conduct of
13 that office;

14 (6) the defendant utilized his professional reputation
15 or position in the community to commit the offense, or to
16 afford him an easier means of committing it;

17 (7) the sentence is necessary to deter others from
18 committing the same crime;

19 (8) the defendant committed the offense against a
20 person 60 years of age or older or such person's property;

21 (9) the defendant committed the offense against a
22 person who has a physical disability or such person's
23 property;

24 (10) by reason of another individual's actual or
25 perceived race, color, creed, religion, ancestry, gender,
26 sexual orientation, physical or mental disability, or

1 national origin, the defendant committed the offense
2 against (i) the person or property of that individual;
3 (ii) the person or property of a person who has an
4 association with, is married to, or has a friendship with
5 the other individual; or (iii) the person or property of a
6 relative (by blood or marriage) of a person described in
7 clause (i) or (ii). For the purposes of this Section,
8 "sexual orientation" has the meaning ascribed to it in
9 paragraph (O-1) of Section 1-103 of the Illinois Human
10 Rights Act;

11 (11) the offense took place in a place of worship or on
12 the grounds of a place of worship, immediately prior to,
13 during or immediately following worship services. For
14 purposes of this subparagraph, "place of worship" shall
15 mean any church, synagogue or other building, structure or
16 place used primarily for religious worship;

17 (12) the defendant was convicted of a felony committed
18 while he was on pretrial release or his own recognizance
19 pending trial for a prior felony and was convicted of such
20 prior felony, or the defendant was convicted of a felony
21 committed while he was serving a period of probation,
22 conditional discharge, or mandatory supervised release
23 under subsection (d) of Section 5-8-1 for a prior felony;

24 (13) the defendant committed or attempted to commit a
25 felony while he was wearing a bulletproof vest. For the
26 purposes of this paragraph (13), a bulletproof vest is any

1 device which is designed for the purpose of protecting the
2 wearer from bullets, shot or other lethal projectiles;

3 (14) the defendant held a position of trust or
4 supervision such as, but not limited to, family member as
5 defined in Section 11-0.1 of the Criminal Code of 2012,
6 teacher, scout leader, baby sitter, or day care worker, in
7 relation to a victim under 18 years of age, and the
8 defendant committed an offense in violation of Section
9 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,
10 11-14.4 except for an offense that involves keeping a
11 place of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,
12 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15
13 or 12-16 of the Criminal Code of 1961 or the Criminal Code
14 of 2012 against that victim;

15 (15) the defendant committed an offense related to the
16 activities of an organized gang. For the purposes of this
17 factor, "organized gang" has the meaning ascribed to it in
18 Section 10 of the Streetgang Terrorism Omnibus Prevention
19 Act;

20 (16) the defendant committed an offense in violation
21 of one of the following Sections while in a school,
22 regardless of the time of day or time of year; on any
23 conveyance owned, leased, or contracted by a school to
24 transport students to or from school or a school related
25 activity; on the real property of a school; or on a public
26 way within 1,000 feet of the real property comprising any

1 school: Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30,
2 11-1.40, 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1,
3 11-18.1, 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2,
4 12-4.3, 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1,
5 12-15, 12-16, 18-2, or 33A-2, or Section 12-3.05 except
6 for subdivision (a)(4) or (g)(1), of the Criminal Code of
7 1961 or the Criminal Code of 2012;

8 (16.5) the defendant committed an offense in violation
9 of one of the following Sections while in a day care
10 center, regardless of the time of day or time of year; on
11 the real property of a day care center, regardless of the
12 time of day or time of year; or on a public way within
13 1,000 feet of the real property comprising any day care
14 center, regardless of the time of day or time of year:
15 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
16 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
17 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
18 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
19 18-2, or 33A-2, or Section 12-3.05 except for subdivision
20 (a)(4) or (g)(1), of the Criminal Code of 1961 or the
21 Criminal Code of 2012;

22 (17) the defendant committed the offense by reason of
23 any person's activity as a community policing volunteer or
24 to prevent any person from engaging in activity as a
25 community policing volunteer. For the purpose of this
26 Section, "community policing volunteer" has the meaning

1 ascribed to it in Section 2-3.5 of the Criminal Code of
2 2012;

3 (18) the defendant committed the offense in a nursing
4 home or on the real property comprising a nursing home.
5 For the purposes of this paragraph (18), "nursing home"
6 means a skilled nursing or intermediate long term care
7 facility that is subject to license by the Illinois
8 Department of Public Health under the Nursing Home Care
9 Act, the Specialized Mental Health Rehabilitation Act of
10 2013, the ID/DD Community Care Act, or the MC/DD Act;

11 (19) the defendant was a federally licensed firearm
12 dealer and was previously convicted of a violation of
13 subsection (a) of Section 3 of the Firearm Owners
14 Identification Card Act and has now committed either a
15 felony violation of the Firearm Owners Identification Card
16 Act or an act of armed violence while armed with a firearm;

17 (20) the defendant (i) committed the offense of
18 reckless homicide under Section 9-3 of the Criminal Code
19 of 1961 or the Criminal Code of 2012 or the offense of
20 driving under the influence of alcohol, other drug or
21 drugs, intoxicating compound or compounds or any
22 combination thereof under Section 11-501 of the Illinois
23 Vehicle Code or a similar provision of a local ordinance
24 and (ii) was operating a motor vehicle in excess of 20
25 miles per hour over the posted speed limit as provided in
26 Article VI of Chapter 11 of the Illinois Vehicle Code;

1 (21) the defendant (i) committed the offense of
2 reckless driving or aggravated reckless driving under
3 Section 11-503 of the Illinois Vehicle Code and (ii) was
4 operating a motor vehicle in excess of 20 miles per hour
5 over the posted speed limit as provided in Article VI of
6 Chapter 11 of the Illinois Vehicle Code;

7 (22) the defendant committed the offense against a
8 person that the defendant knew, or reasonably should have
9 known, was a member of the Armed Forces of the United
10 States serving on active duty. For purposes of this clause
11 (22), the term "Armed Forces" means any of the Armed
12 Forces of the United States, including a member of any
13 reserve component thereof or National Guard unit called to
14 active duty;

15 (23) the defendant committed the offense against a
16 person who was elderly or infirm or who was a person with a
17 disability by taking advantage of a family or fiduciary
18 relationship with the elderly or infirm person or person
19 with a disability;

20 (24) the defendant committed any offense under Section
21 11-20.1 of the Criminal Code of 1961 or the Criminal Code
22 of 2012 and possessed 100 or more images;

23 (25) the defendant committed the offense while the
24 defendant or the victim was in a train, bus, or other
25 vehicle used for public transportation;

26 (26) the defendant committed the offense of child

1 pornography or aggravated child pornography, specifically
2 including paragraph (1), (2), (3), (4), (5), or (7) of
3 subsection (a) of Section 11-20.1 of the Criminal Code of
4 1961 or the Criminal Code of 2012 where a child engaged in,
5 solicited for, depicted in, or posed in any act of sexual
6 penetration or bound, fettered, or subject to sadistic,
7 masochistic, or sadomasochistic abuse in a sexual context
8 and specifically including paragraph (1), (2), (3), (4),
9 (5), or (7) of subsection (a) of Section 11-20.1B or
10 Section 11-20.3 of the Criminal Code of 1961 where a child
11 engaged in, solicited for, depicted in, or posed in any
12 act of sexual penetration or bound, fettered, or subject
13 to sadistic, masochistic, or sadomasochistic abuse in a
14 sexual context;

15 (27) the defendant committed the offense of first
16 degree murder, assault, aggravated assault, battery,
17 aggravated battery, robbery, armed robbery, or aggravated
18 robbery against a person who was a veteran and the
19 defendant knew, or reasonably should have known, that the
20 person was a veteran performing duties as a representative
21 of a veterans' organization. For the purposes of this
22 paragraph (27), "veteran" means an Illinois resident who
23 has served as a member of the United States Armed Forces, a
24 member of the Illinois National Guard, or a member of the
25 United States Reserve Forces; and "veterans' organization"
26 means an organization comprised of members of which

1 substantially all are individuals who are veterans or
2 spouses, widows, or widowers of veterans, the primary
3 purpose of which is to promote the welfare of its members
4 and to provide assistance to the general public in such a
5 way as to confer a public benefit;

6 (28) the defendant committed the offense of assault,
7 aggravated assault, battery, aggravated battery, robbery,
8 armed robbery, or aggravated robbery against a person that
9 the defendant knew or reasonably should have known was a
10 letter carrier or postal worker while that person was
11 performing his or her duties delivering mail for the
12 United States Postal Service;

13 (29) the defendant committed the offense of criminal
14 sexual assault, aggravated criminal sexual assault,
15 criminal sexual abuse, or aggravated criminal sexual abuse
16 against a victim with an intellectual disability, and the
17 defendant holds a position of trust, authority, or
18 supervision in relation to the victim;

19 (30) the defendant committed the offense of promoting
20 juvenile prostitution, patronizing a prostitute, or
21 patronizing a minor engaged in prostitution and at the
22 time of the commission of the offense knew that the
23 prostitute or minor engaged in prostitution was in the
24 custody or guardianship of the Department of Children and
25 Family Services;

26 (31) the defendant (i) committed the offense of

1 driving while under the influence of alcohol, other drug
2 or drugs, intoxicating compound or compounds or any
3 combination thereof in violation of Section 11-501 of the
4 Illinois Vehicle Code or a similar provision of a local
5 ordinance and (ii) the defendant during the commission of
6 the offense was driving his or her vehicle upon a roadway
7 designated for one-way traffic in the opposite direction
8 of the direction indicated by official traffic control
9 devices;

10 (32) the defendant committed the offense of reckless
11 homicide while committing a violation of Section 11-907 of
12 the Illinois Vehicle Code;

13 (33) the defendant was found guilty of an
14 administrative infraction related to an act or acts of
15 public indecency or sexual misconduct in the penal
16 institution. In this paragraph (33), "penal institution"
17 has the same meaning as in Section 2-14 of the Criminal
18 Code of 2012; or

19 (34) the defendant committed the offense of leaving
20 the scene of an accident in violation of subsection (b) of
21 Section 11-401 of the Illinois Vehicle Code and the
22 accident resulted in the death of a person and at the time
23 of the offense, the defendant was: (i) driving under the
24 influence of alcohol, other drug or drugs, intoxicating
25 compound or compounds or any combination thereof as
26 defined by Section 11-501 of the Illinois Vehicle Code; or

1 (ii) operating the motor vehicle while using an electronic
2 communication device as defined in Section 12-610.2 of the
3 Illinois Vehicle Code.

4 For the purposes of this Section:

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

7 "Day care center" means a public or private State
8 certified and licensed day care center as defined in Section
9 2.09 of the Child Care Act of 1969 that displays a sign in
10 plain view stating that the property is a day care center.

11 "Intellectual disability" means significantly subaverage
12 intellectual functioning which exists concurrently with
13 impairment in adaptive behavior.

14 "Public transportation" means the transportation or
15 conveyance of persons by means available to the general
16 public, and includes paratransit services.

17 "Traffic control devices" means all signs, signals,
18 markings, and devices that conform to the Illinois Manual on
19 Uniform Traffic Control Devices, placed or erected by
20 authority of a public body or official having jurisdiction,
21 for the purpose of regulating, warning, or guiding traffic.

22 (b) (Blank). ~~The following factors, related to all~~
23 ~~felonies, may be considered by the court as reasons to impose~~
24 ~~an extended term sentence under Section 5-8-2 upon any~~
25 ~~offender.~~

26 ~~(1) When a defendant is convicted of any felony, after~~

1 ~~having been previously convicted in Illinois or any other~~
2 ~~jurisdiction of the same or similar class felony or~~
3 ~~greater class felony, when such conviction has occurred~~
4 ~~within 10 years after the previous conviction, excluding~~
5 ~~time spent in custody, and such charges are separately~~
6 ~~brought and tried and arise out of different series of~~
7 ~~acts; or~~

8 ~~(2) When a defendant is convicted of any felony and~~
9 ~~the court finds that the offense was accompanied by~~
10 ~~exceptionally brutal or heinous behavior indicative of~~
11 ~~wanton cruelty; or~~

12 ~~(3) When a defendant is convicted of any felony~~
13 ~~committed against:~~

14 ~~(i) a person under 12 years of age at the time of~~
15 ~~the offense or such person's property;~~

16 ~~(ii) a person 60 years of age or older at the time~~
17 ~~of the offense or such person's property; or~~

18 ~~(iii) a person who had a physical disability at~~
19 ~~the time of the offense or such person's property; or~~

20 ~~(4) When a defendant is convicted of any felony and~~
21 ~~the offense involved any of the following types of~~
22 ~~specific misconduct committed as part of a ceremony, rite,~~
23 ~~initiation, observance, performance, practice or activity~~
24 ~~of any actual or ostensible religious, fraternal, or~~
25 ~~social group:~~

26 ~~(i) the brutalizing or torturing of humans or~~

1 ~~animals;~~

2 ~~(ii) the theft of human corpses;~~

3 ~~(iii) the kidnapping of humans;~~

4 ~~(iv) the desecration of any cemetery, religious,~~
5 ~~fraternal, business, governmental, educational, or~~
6 ~~other building or property; or~~

7 ~~(v) ritualized abuse of a child; or~~

8 ~~(5) When a defendant is convicted of a felony other~~
9 ~~than conspiracy and the court finds that the felony was~~
10 ~~committed under an agreement with 2 or more other persons~~
11 ~~to commit that offense and the defendant, with respect to~~
12 ~~the other individuals, occupied a position of organizer,~~
13 ~~supervisor, financier, or any other position of management~~
14 ~~or leadership, and the court further finds that the felony~~
15 ~~committed was related to or in furtherance of the criminal~~
16 ~~activities of an organized gang or was motivated by the~~
17 ~~defendant's leadership in an organized gang; or~~

18 ~~(6) When a defendant is convicted of an offense~~
19 ~~committed while using a firearm with a laser sight~~
20 ~~attached to it. For purposes of this paragraph, "laser~~
21 ~~sight" has the meaning ascribed to it in Section 26-7 of~~
22 ~~the Criminal Code of 2012; or~~

23 ~~(7) When a defendant who was at least 17 years of age~~
24 ~~at the time of the commission of the offense is convicted~~
25 ~~of a felony and has been previously adjudicated a~~
26 ~~delinquent minor under the Juvenile Court Act of 1987 for~~

1 ~~an act that if committed by an adult would be a Class X or~~
2 ~~Class 1 felony when the conviction has occurred within 10~~
3 ~~years after the previous adjudication, excluding time~~
4 ~~spent in custody; or~~

5 ~~(8) When a defendant commits any felony and the~~
6 ~~defendant used, possessed, exercised control over, or~~
7 ~~otherwise directed an animal to assault a law enforcement~~
8 ~~officer engaged in the execution of his or her official~~
9 ~~duties or in furtherance of the criminal activities of an~~
10 ~~organized gang in which the defendant is engaged; or~~

11 ~~(9) When a defendant commits any felony and the~~
12 ~~defendant knowingly video or audio records the offense~~
13 ~~with the intent to disseminate the recording.~~

14 (c) (Blank). ~~The following factors may be considered by~~
15 ~~the court as reasons to impose an extended term sentence under~~
16 ~~Section 5-8-2 (730 ILCS 5/5-8-2) upon any offender for the~~
17 ~~listed offenses:~~

18 ~~(1) When a defendant is convicted of first degree~~
19 ~~murder, after having been previously convicted in Illinois~~
20 ~~of any offense listed under paragraph (c)(2) of Section~~
21 ~~5-5-3 (730 ILCS 5/5-5-3), when that conviction has~~
22 ~~occurred within 10 years after the previous conviction,~~
23 ~~excluding time spent in custody, and the charges are~~
24 ~~separately brought and tried and arise out of different~~
25 ~~series of acts.~~

26 ~~(1.5) When a defendant is convicted of first degree~~

1 ~~murder, after having been previously convicted of domestic~~
2 ~~battery (720 ILCS 5/12-3.2) or aggravated domestic battery~~
3 ~~(720 ILCS 5/12-3.3) committed on the same victim or after~~
4 ~~having been previously convicted of violation of an order~~
5 ~~of protection (720 ILCS 5/12-30) in which the same victim~~
6 ~~was the protected person.~~

7 ~~(2) When a defendant is convicted of voluntary~~
8 ~~manslaughter, second degree murder, involuntary~~
9 ~~manslaughter, or reckless homicide in which the defendant~~
10 ~~has been convicted of causing the death of more than one~~
11 ~~individual.~~

12 ~~(3) When a defendant is convicted of aggravated~~
13 ~~criminal sexual assault or criminal sexual assault, when~~
14 ~~there is a finding that aggravated criminal sexual assault~~
15 ~~or criminal sexual assault was also committed on the same~~
16 ~~victim by one or more other individuals, and the defendant~~
17 ~~voluntarily participated in the crime with the knowledge~~
18 ~~of the participation of the others in the crime, and the~~
19 ~~commission of the crime was part of a single course of~~
20 ~~conduct during which there was no substantial change in~~
21 ~~the nature of the criminal objective.~~

22 ~~(4) If the victim was under 18 years of age at the time~~
23 ~~of the commission of the offense, when a defendant is~~
24 ~~convicted of aggravated criminal sexual assault or~~
25 ~~predatory criminal sexual assault of a child under~~
26 ~~subsection (a)(1) of Section 11-1.40 or subsection (a)(1)~~

1 ~~of Section 12-14.1 of the Criminal Code of 1961 or the~~
2 ~~Criminal Code of 2012 (720 ILCS 5/11-1.40 or 5/12-14.1).~~

3 ~~(5) When a defendant is convicted of a felony~~
4 ~~violation of Section 24-1 of the Criminal Code of 1961 or~~
5 ~~the Criminal Code of 2012 (720 ILCS 5/24-1) and there is a~~
6 ~~finding that the defendant is a member of an organized~~
7 ~~gang.~~

8 ~~(6) When a defendant was convicted of unlawful use of~~
9 ~~weapons under Section 24-1 of the Criminal Code of 1961 or~~
10 ~~the Criminal Code of 2012 (720 ILCS 5/24-1) for possessing~~
11 ~~a weapon that is not readily distinguishable as one of the~~
12 ~~weapons enumerated in Section 24-1 of the Criminal Code of~~
13 ~~1961 or the Criminal Code of 2012 (720 ILCS 5/24-1).~~

14 ~~(7) When a defendant is convicted of an offense~~
15 ~~involving the illegal manufacture of a controlled~~
16 ~~substance under Section 401 of the Illinois Controlled~~
17 ~~Substances Act (720 ILCS 570/401), the illegal manufacture~~
18 ~~of methamphetamine under Section 25 of the Methamphetamine~~
19 ~~Control and Community Protection Act (720 ILCS 646/25), or~~
20 ~~the illegal possession of explosives and an emergency~~
21 ~~response officer in the performance of his or her duties~~
22 ~~is killed or injured at the scene of the offense while~~
23 ~~responding to the emergency caused by the commission of~~
24 ~~the offense. In this paragraph, "emergency" means a~~
25 ~~situation in which a person's life, health, or safety is~~
26 ~~in jeopardy; and "emergency response officer" means a~~

1 ~~peace officer, community policing volunteer, fireman,~~
2 ~~emergency medical technician-ambulance, emergency medical~~
3 ~~technician-intermediate, emergency medical~~
4 ~~technician-paramedic, ambulance driver, other medical~~
5 ~~assistance or first aid personnel, or hospital emergency~~
6 ~~room personnel.~~

7 ~~(8) When the defendant is convicted of attempted mob~~
8 ~~action, solicitation to commit mob action, or conspiracy~~
9 ~~to commit mob action under Section 8-1, 8-2, or 8-4 of the~~
10 ~~Criminal Code of 2012, where the criminal object is a~~
11 ~~violation of Section 25-1 of the Criminal Code of 2012,~~
12 ~~and an electronic communication is used in the commission~~
13 ~~of the offense. For the purposes of this paragraph (8),~~
14 ~~"electronic communication" shall have the meaning provided~~
15 ~~in Section 26.5-0.1 of the Criminal Code of 2012.~~

16 (d) For the purposes of this Section, "organized gang" has
17 the meaning ascribed to it in Section 10 of the Illinois
18 Streetgang Terrorism Omnibus Prevention Act.

19 (e) (Blank). ~~The court may impose an extended term~~
20 ~~sentence under Article 4.5 of Chapter V upon an offender who~~
21 ~~has been convicted of a felony violation of Section 11-1.20,~~
22 ~~11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1,~~
23 ~~12-15, or 12-16 of the Criminal Code of 1961 or the Criminal~~
24 ~~Code of 2012 when the victim of the offense is under 18 years~~
25 ~~of age at the time of the commission of the offense and, during~~
26 ~~the commission of the offense, the victim was under the~~

1 ~~influence of alcohol, regardless of whether or not the alcohol~~
2 ~~was supplied by the offender; and the offender, at the time of~~
3 ~~the commission of the offense, knew or should have known that~~
4 ~~the victim had consumed alcohol.~~

5 (Source: P.A. 100-1053, eff. 1-1-19; 101-173, eff. 1-1-20;
6 101-401, eff. 1-1-20; 101-417, eff. 1-1-20; 101-652, eff.
7 1-1-23.)

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

9 Sec. 5-5-4. Resentences.

10 (a) Where a conviction or sentence has been set aside on
11 direct review or on collateral attack, the court shall not
12 impose a new sentence for the same offense or for a different
13 offense based on the same conduct which is more severe than the
14 prior sentence less the portion of the prior sentence
15 previously satisfied unless the more severe sentence is based
16 upon conduct on the part of the defendant occurring after the
17 original sentencing. If a sentence is vacated on appeal or on
18 collateral attack due to the failure of the trier of fact at
19 trial to determine beyond a reasonable doubt the existence of
20 a fact (other than a prior conviction) necessary to increase
21 the punishment for the offense beyond the statutory maximum
22 otherwise applicable, ~~either~~ the defendant may be re-sentenced
23 to a term within the range otherwise provided ~~or, if the State~~
24 ~~files notice of its intention to again seek the extended~~
25 ~~sentence, the defendant shall be afforded a new trial.~~

1 (b) If a conviction or sentence has been set aside on
2 direct review or on collateral attack and the court determines
3 by clear and convincing evidence that the defendant was
4 factually innocent of the charge, the court shall enter an
5 order expunging the record of arrest from the official records
6 of the arresting authority and order that the records of the
7 clerk of the circuit court and Department of State Police be
8 sealed until further order of the court upon good cause shown
9 or as otherwise provided herein, and the name of the defendant
10 obliterated from the official index requested to be kept by
11 the circuit court clerk under Section 16 of the Clerks of
12 Courts Act in connection with the arrest and conviction for
13 the offense but the order shall not affect any index issued by
14 the circuit court clerk before the entry of the order. The
15 court shall enter the expungement order regardless of whether
16 the defendant has prior criminal convictions.

17 All records sealed by the Department of State Police may
18 be disseminated by the Department only as required by law or to
19 the arresting authority, the State's Attorney, the court upon
20 a later arrest for the same or similar offense, or for the
21 purpose of sentencing for any subsequent felony. Upon
22 conviction for any subsequent offense, the Department of
23 Corrections shall have access to all sealed records of the
24 Department pertaining to that individual.

25 Upon entry of the order of expungement, the clerk of the
26 circuit court shall promptly mail a copy of the order to the

1 person whose records were expunged and sealed.

2 (c) If a conviction has been vacated as a result of a claim
3 of actual innocence based on newly discovered evidence made
4 under Section 122-1 of the Code of Criminal Procedure of 1963
5 or Section 2-1401 of the Code of Civil Procedure, and the
6 provisions of paragraphs (1) and (2) of subsection (g) of
7 Section 2-702 of the Code of Civil Procedure are otherwise
8 satisfied, the court shall enter an order for a certificate of
9 innocence and an order expunging the conviction for which the
10 petitioner has been determined to be innocent as provided in
11 subsection (h) of Section 2-702 of the Code of Civil
12 Procedure.

13 (Source: P.A. 98-133, eff. 1-1-14.)

14 (730 ILCS 5/5-8-2) (from Ch. 38, par. 1005-8-2)

15 Sec. 5-8-2. Maximum sentence. ~~Extended Term.~~

16 (a) A judge shall not sentence an offender to a term of
17 imprisonment in excess of the maximum sentence authorized by
18 Article 4.5 of Chapter V for an offense or offenses within the
19 class of the most serious offense of which the offender was
20 convicted ~~unless the factors in aggravation set forth in~~
21 ~~Section 5-5-3.2 or clause (a)(1)(b) of Section 5-8-1 were~~
22 ~~found to be present. If the pre-trial and trial proceedings~~
23 ~~were conducted in compliance with subsection (c-5) of Section~~
24 ~~111-3 of the Code of Criminal Procedure of 1963, the judge may~~
25 ~~sentence an offender to an extended term as provided in~~

1 ~~Article 4.5 of Chapter V (730 ILCS 5/Ch. V, Art. 4.5).~~

2 (b) (Blank). ~~If the conviction was by plea, it shall~~
3 ~~appear on the record that the plea was entered with the~~
4 ~~defendant's knowledge that a sentence under this Section was a~~
5 ~~possibility. If it does not so appear on the record, the~~
6 ~~defendant shall not be subject to such a sentence unless he is~~
7 ~~first given an opportunity to withdraw his plea without~~
8 ~~prejudice.~~

9 (Source: P.A. 95-1052, eff. 7-1-09; 96-1200, eff. 7-22-10.)

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.