

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 Unified Code of Corrections is amended by  
5 changing Section 5-5-3 as follows:

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

1 subdivision (c)(1.5) of Section 401 of that Act which  
2 relates to more than 5 grams of a substance containing  
3 fentanyl or an analog thereof.

4 (D-5) A violation of subdivision (c)(1) of Section 401  
5 of the Illinois Controlled Substances Act which relates to  
6 3 or more grams of a substance containing heroin or an  
7 analog thereof.

8 (E) (Blank).

9 (F) A Class 1 or greater felony if the offender had  
10 been convicted of a Class 1 or greater felony, including  
11 any state or federal conviction for an offense that  
12 contained, at the time it was committed, the same elements  
13 as an offense now (the date of the offense committed after  
14 the prior Class 1 or greater felony) classified as a Class  
15 1 or greater felony, within 10 years of the date on which  
16 the offender committed the offense for which he or she is  
17 being sentenced, except as otherwise provided in Section  
18 40-10 of the Substance Use Disorder Act.

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

1 committed the offense for which he or she is being  
2 sentenced, except as otherwise provided in Section 40-10  
3 of the Substance Use Disorder Act.

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

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

9 (H) Criminal sexual assault.

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

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

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

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

26 (K) Vehicular hijacking.

1 (L) A second or subsequent conviction for the offense  
2 of hate crime when the underlying offense upon which the  
3 hate crime is based is felony aggravated assault or felony  
4 mob action.

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

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

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

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

16 (P-5) A violation of paragraph (6) of subsection (a)  
17 of Section 11-20.1 of the Criminal Code of 1961 or the  
18 Criminal Code of 2012 if the victim is a household or  
19 family member of the defendant.

20 (Q) A violation of subsection (b) or (b-5) of Section  
21 20-1, Section 20-1.2, or Section 20-1.3 of the Criminal  
22 Code of 1961 or the Criminal Code of 2012.

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

25 (S) (Blank).

26 (T) (Blank).

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

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

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

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

1           (Y) A conviction for unlawful possession of a firearm  
2           by a street gang member when the firearm was loaded or  
3           contained firearm ammunition.

4           (Z) A Class 1 felony committed while he or she was  
5           serving a term of probation or conditional discharge for a  
6           felony.

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

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

11          (CC) Knowingly selling, offering for sale, holding for  
12          sale, or using 2,000 or more counterfeit items or  
13          counterfeit items having a retail value in the aggregate  
14          of \$500,000 or more.

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

20          (EE) A conviction for a violation of paragraph (2) of  
21          subsection (a) of Section 24-3B of the Criminal Code of  
22          2012.

23          (3) (Blank).

24          (4) A minimum term of imprisonment of not less than 10  
25          consecutive days or 30 days of community service shall be  
26          imposed for a violation of paragraph (c) of Section 6-303 of

1 the Illinois Vehicle Code.

2 (4.1) (Blank).

3 (4.2) Except as provided in paragraphs (4.3) and (4.8) of  
4 this subsection (c), a minimum of 100 hours of community  
5 service shall be imposed for a second violation of Section  
6 6-303 of the Illinois Vehicle Code.

7 (4.3) A minimum term of imprisonment of 30 days or 300  
8 hours of community service, as determined by the court, shall  
9 be imposed for a second violation of subsection (c) of Section  
10 6-303 of the Illinois Vehicle Code.

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

19 (4.5) A minimum term of imprisonment of 30 days shall be  
20 imposed for a third violation of subsection (c) of Section  
21 6-303 of the Illinois Vehicle Code.

22 (4.6) Except as provided in paragraph (4.10) of this  
23 subsection (c), a minimum term of imprisonment of 180 days  
24 shall be imposed for a fourth or subsequent violation of  
25 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

26 (4.7) A minimum term of imprisonment of not less than 30

1 consecutive days, or 300 hours of community service, shall be  
2 imposed for a violation of subsection (a-5) of Section 6-303  
3 of the Illinois Vehicle Code, as provided in subsection (b-5)  
4 of that Section.

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

11 (4.9) A mandatory prison sentence of not less than 4 and  
12 not more than 15 years shall be imposed for a third violation  
13 of subsection (a-5) of Section 6-303 of the Illinois Vehicle  
14 Code, as provided in subsection (d-2.5) of that Section. The  
15 person's driving privileges shall be revoked for the remainder  
16 of his or her life.

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

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

26 (A) a period of conditional discharge;



1 (B) a fine;

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

4 (5.1) In addition to any other penalties imposed, and  
5 except as provided in paragraph (5.2) or (5.3), a person  
6 convicted of violating subsection (c) of Section 11-907 of the  
7 Illinois Vehicle Code shall have his or her driver's license,  
8 permit, or privileges suspended for at least 90 days but not  
9 more than one year, if the violation resulted in damage to the  
10 property of another person.

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

18 (5.3) In addition to any other penalties imposed, a person  
19 convicted of violating subsection (c) of Section 11-907 of the  
20 Illinois Vehicle Code shall have his or her driver's license,  
21 permit, or privileges suspended for 2 years, if the violation  
22 resulted in the death of another person.

23 (5.4) In addition to any other penalties imposed, a person  
24 convicted of violating Section 3-707 of the Illinois Vehicle  
25 Code shall have his or her driver's license, permit, or  
26 privileges suspended for 3 months and until he or she has paid

1 a reinstatement fee of \$100.

2 (5.5) In addition to any other penalties imposed, a person  
3 convicted of violating Section 3-707 of the Illinois Vehicle  
4 Code during a period in which his or her driver's license,  
5 permit, or privileges were suspended for a previous violation  
6 of that Section shall have his or her driver's license,  
7 permit, or privileges suspended for an additional 6 months  
8 after the expiration of the original 3-month suspension and  
9 until he or she has paid a reinstatement fee of \$100.

10 (6) (Blank).

11 (7) (Blank).

12 (8) (Blank).

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

16 (10) (Blank).

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

1 official" means a person at an athletic contest who enforces  
2 the rules of the contest, such as an umpire or referee;  
3 "athletic facility" means an indoor or outdoor playing field  
4 or recreational area where sports activities are conducted;  
5 and "coach" means a person recognized as a coach by the  
6 sanctioning authority that conducted the sporting event.

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

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

21 (d) In any case in which a sentence originally imposed is  
22 vacated, the case shall be remanded to the trial court. The  
23 trial court shall hold a hearing under Section 5-4-1 of this  
24 Code which may include evidence of the defendant's life, moral  
25 character and occupation during the time since the original  
26 sentence was passed. The trial court shall then impose

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

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

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

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

25 (B) the defendant is willing to participate in a  
26 court approved plan including but not limited to the

1 defendant's:

2 (i) removal from the household;

3 (ii) restricted contact with the victim;

4 (iii) continued financial support of the  
5 family;

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

7 and

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

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

17 Probation may be revoked or modified pursuant to Section  
18 5-6-4; except where the court determines at the hearing that  
19 the defendant violated a condition of his or her probation  
20 restricting contact with the victim or other family members or  
21 commits another offense with the victim or other family  
22 members, the court shall revoke the defendant's probation and  
23 impose a term of imprisonment.

24 For the purposes of this Section, "family member" and  
25 "victim" shall have the meanings ascribed to them in Section  
26 11-0.1 of the Criminal Code of 2012.

1 (f) (Blank).

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

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

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

1 disease in the courtroom.

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



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

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

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

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

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

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

21 (k) (Blank).

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

1 abeyance and remand the defendant to the custody of the  
2 Attorney General of the United States or his or her designated  
3 agent to be deported when:

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

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

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

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

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

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

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

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

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

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

1 in the Substance Use Disorder Act, to a treatment program  
2 licensed under that Act.

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

8 (Source: P.A. 100-575, eff. 1-8-18; 100-759, eff. 1-1-19;  
9 100-987, eff. 7-1-19; 101-81, eff. 7-12-19.)