



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB2925

Introduced 10/13/2021, by Sen. Chapin Rose, Donald P. DeWitte and Terri Bryant

SYNOPSIS AS INTRODUCED:

720 ILCS 5/24-3

from Ch. 38, par. 24-3

730 ILCS 5/5-5-3

Amends the Criminal Code of 2012. Provides that a person who sells or gives any firearm to any person who has been convicted of a felony under the laws of Illinois or any other jurisdiction is guilty of a Class X felony for which he or she shall be sentenced to a term of imprisonment of not less than 10 years and not more than 30 years (rather than a Class 3 felony). Amends the Unified Code of Corrections. Provides that a period of probation, a term of periodic imprisonment, or conditional discharge shall not be imposed for the offense.

LRB102 20125 RLC 28977 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

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

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

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

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

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

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

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

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

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

1 "Mental institution" means any hospital,
2 institution, clinic, evaluation facility, mental
3 health center, or part thereof, which is used
4 primarily for the care or treatment of persons with
5 mental illness.

6 "Patient in a mental institution" means the person
7 was admitted, either voluntarily or involuntarily, to
8 a mental institution for mental health treatment,
9 unless the treatment was voluntary and solely for an
10 alcohol abuse disorder and no other secondary
11 substance abuse disorder or mental illness.

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

14 (g) Delivers any firearm, incidental to a sale,
15 without withholding delivery of the firearm for at least
16 72 hours after application for its purchase has been made,
17 or delivers a stun gun or taser, incidental to a sale,
18 without withholding delivery of the stun gun or taser for
19 at least 24 hours after application for its purchase has
20 been made. However, this paragraph (g) does not apply to:

21 (1) the sale of a firearm to a law enforcement officer if
22 the seller of the firearm knows that the person to whom he
23 or she is selling the firearm is a law enforcement officer
24 or the sale of a firearm to a person who desires to
25 purchase a firearm for use in promoting the public
26 interest incident to his or her employment as a bank

1 guard, armed truck guard, or other similar employment; (2)
2 a mail order sale of a firearm from a federally licensed
3 firearms dealer to a nonresident of Illinois under which
4 the firearm is mailed to a federally licensed firearms
5 dealer outside the boundaries of Illinois; (3) (blank);
6 (4) the sale of a firearm to a dealer licensed as a federal
7 firearms dealer under Section 923 of the federal Gun
8 Control Act of 1968 (18 U.S.C. 923); or (5) the transfer or
9 sale of any rifle, shotgun, or other long gun to a resident
10 registered competitor or attendee or non-resident
11 registered competitor or attendee by any dealer licensed
12 as a federal firearms dealer under Section 923 of the
13 federal Gun Control Act of 1968 at competitive shooting
14 events held at the World Shooting Complex sanctioned by a
15 national governing body. For purposes of transfers or
16 sales under subparagraph (5) of this paragraph (g), the
17 Department of Natural Resources shall give notice to the
18 Department of State Police at least 30 calendar days prior
19 to any competitive shooting events at the World Shooting
20 Complex sanctioned by a national governing body. The
21 notification shall be made on a form prescribed by the
22 Department of State Police. The sanctioning body shall
23 provide a list of all registered competitors and attendees
24 at least 24 hours before the events to the Department of
25 State Police. Any changes to the list of registered
26 competitors and attendees shall be forwarded to the

1 Department of State Police as soon as practicable. The
2 Department of State Police must destroy the list of
3 registered competitors and attendees no later than 30 days
4 after the date of the event. Nothing in this paragraph (g)
5 relieves a federally licensed firearm dealer from the
6 requirements of conducting a NICS background check through
7 the Illinois Point of Contact under 18 U.S.C. 922(t). For
8 purposes of this paragraph (g), "application" means when
9 the buyer and seller reach an agreement to purchase a
10 firearm. For purposes of this paragraph (g), "national
11 governing body" means a group of persons who adopt rules
12 and formulate policy on behalf of a national firearm
13 sporting organization.

14 (h) While holding any license as a dealer, importer,
15 manufacturer or pawnbroker under the federal Gun Control
16 Act of 1968, manufactures, sells or delivers to any
17 unlicensed person a handgun having a barrel, slide, frame
18 or receiver which is a die casting of zinc alloy or any
19 other nonhomogeneous metal which will melt or deform at a
20 temperature of less than 800 degrees Fahrenheit. For
21 purposes of this paragraph, (1) "firearm" is defined as in
22 the Firearm Owners Identification Card Act; and (2)
23 "handgun" is defined as a firearm designed to be held and
24 fired by the use of a single hand, and includes a
25 combination of parts from which such a firearm can be
26 assembled.

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

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

9 A person "engaged in the business" means a person who
10 devotes time, attention, and labor to engaging in the
11 activity as a regular course of trade or business with the
12 principal objective of livelihood and profit, but does not
13 include a person who makes occasional repairs of firearms
14 or who occasionally fits special barrels, stocks, or
15 trigger mechanisms to firearms.

16 "With the principal objective of livelihood and
17 profit" means that the intent underlying the sale or
18 disposition of firearms is predominantly one of obtaining
19 livelihood and pecuniary gain, as opposed to other
20 intents, such as improving or liquidating a personal
21 firearms collection; however, proof of profit shall not be
22 required as to a person who engages in the regular and
23 repetitive purchase and disposition of firearms for
24 criminal purposes or terrorism.

25 (k) Sells or transfers ownership of a firearm to a
26 person who does not display to the seller or transferor of

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

20 (1) In addition to the other requirements of this
21 paragraph (k), all persons who are not federally
22 licensed firearms dealers must also have complied with
23 subsection (a-10) of Section 3 of the Firearm Owners
24 Identification Card Act by determining the validity of
25 a purchaser's Firearm Owner's Identification Card.

26 (2) All sellers or transferors who have complied

1 with the requirements of subparagraph (1) of this
2 paragraph (k) shall not be liable for damages in any
3 civil action arising from the use or misuse by the
4 transferee of the firearm transferred, except for
5 willful or wanton misconduct on the part of the seller
6 or transferor.

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

13 (B) Paragraph (h) of subsection (A) does not include
14 firearms sold within 6 months after enactment of Public Act
15 78-355 (approved August 21, 1973, effective October 1, 1973),
16 nor is any firearm legally owned or possessed by any citizen or
17 purchased by any citizen within 6 months after the enactment
18 of Public Act 78-355 subject to confiscation or seizure under
19 the provisions of that Public Act. Nothing in Public Act
20 78-355 shall be construed to prohibit the gift or trade of any
21 firearm if that firearm was legally held or acquired within 6
22 months after the enactment of that Public Act.

23 (C) Sentence.

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

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

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

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

1 time of year at which the offense was committed, commits a
2 Class 1 felony for which the sentence shall be a term of
3 imprisonment of no less than 5 years and no more than 15
4 years.

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

21 (6) Any person convicted of unlawful sale or delivery
22 of firearms in violation of paragraph (j) of subsection
23 (A) commits a Class A misdemeanor. A second or subsequent
24 violation is a Class 4 felony.

25 (7) Any person convicted of unlawful sale or delivery
26 of firearms in violation of paragraph (k) of subsection

1 (A) commits a Class 4 felony, except that a violation of
2 subparagraph (1) of paragraph (k) of subsection (A) shall
3 not be punishable as a crime or petty offense. A third or
4 subsequent conviction for a violation of paragraph (k) of
5 subsection (A) is a Class 1 felony.

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

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

20 (10) Any person convicted of unlawful sale or delivery
21 of firearms in violation of paragraph (l) of subsection
22 (A) commits a Class 2 felony if the delivery is of one
23 firearm. Any person convicted of unlawful sale or delivery
24 of firearms in violation of paragraph (l) of subsection
25 (A) commits a Class 1 felony if the delivery is of not less
26 than 2 and not more than 5 firearms at the same time or

1 within a one year period. Any person convicted of unlawful
2 sale or delivery of firearms in violation of paragraph (1)
3 of subsection (A) commits a Class X felony for which he or
4 she shall be sentenced to a term of imprisonment of not
5 less than 6 years and not more than 30 years if the
6 delivery is of not less than 6 and not more than 10
7 firearms at the same time or within a 2 year period. Any
8 person convicted of unlawful sale or delivery of firearms
9 in violation of paragraph (1) of subsection (A) commits a
10 Class X felony for which he or she shall be sentenced to a
11 term of imprisonment of not less than 6 years and not more
12 than 40 years if the delivery is of not less than 11 and
13 not more than 20 firearms at the same time or within a 3
14 year period. Any person convicted of unlawful sale or
15 delivery of firearms in violation of paragraph (1) of
16 subsection (A) commits a Class X felony for which he or she
17 shall be sentenced to a term of imprisonment of not less
18 than 6 years and not more than 50 years if the delivery is
19 of not less than 21 and not more than 30 firearms at the
20 same time or within a 4 year period. Any person convicted
21 of unlawful sale or delivery of firearms in violation of
22 paragraph (1) of subsection (A) commits a Class X felony
23 for which he or she shall be sentenced to a term of
24 imprisonment of not less than 6 years and not more than 60
25 years if the delivery is of 31 or more firearms at the same
26 time or within a 5 year period.

1 (D) For purposes of this Section:

2 "School" means a public or private elementary or secondary
3 school, community college, college, or university.

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

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

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

17 Section 10. The Unified Code of Corrections is amended by
18 changing Section 5-5-3 as follows:

19 (730 ILCS 5/5-5-3)

20 Sec. 5-5-3. Disposition.

21 (a) (Blank).

22 (b) (Blank).

23 (c) (1) (Blank).

24 (2) A period of probation, a term of periodic imprisonment

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

7 (A) First degree murder where the death penalty is not
8 imposed.

9 (B) Attempted first degree murder.

10 (C) A Class X felony.

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

16 (D-5) A violation of subdivision (c)(1) of Section 401
17 of the Illinois Controlled Substances Act which relates to
18 3 or more grams of a substance containing heroin or an
19 analog thereof.

20 (E) (Blank).

21 (F) A Class 1 or greater felony if the offender had
22 been convicted of a Class 1 or greater felony, including
23 any state or federal conviction for an offense that
24 contained, at the time it was committed, the same elements
25 as an offense now (the date of the offense committed after
26 the prior Class 1 or greater felony) classified as a Class

1 1 or greater felony, within 10 years of the date on which
2 the offender committed the offense for which he or she is
3 being sentenced, except as otherwise provided in Section
4 40-10 of the Substance Use Disorder Act.

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

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

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

22 (H) Criminal sexual assault.

23 (I) Aggravated battery of a senior citizen as
24 described in Section 12-4.6 or subdivision (a)(4) of
25 Section 12-3.05 of the Criminal Code of 1961 or the
26 Criminal Code of 2012.

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

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

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

13 (K) Vehicular hijacking.

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

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

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

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

26 (P) A violation of paragraph (1), (2), (3), (4), (5),

1 or (7) of subsection (a) of Section 11-20.1 of the
2 Criminal Code of 1961 or the Criminal Code of 2012.

3 (Q) A violation of subsection (b) or (b-5) of Section
4 20-1, Section 20-1.2, or Section 20-1.3 of the Criminal
5 Code of 1961 or the Criminal Code of 2012.

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

8 (S) (Blank).

9 (T) (Blank).

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

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

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

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

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

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

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

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

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

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

24 (DD) A conviction for aggravated assault under
25 paragraph (6) of subsection (c) of Section 12-2 of the
26 Criminal Code of 1961 or the Criminal Code of 2012 if the

1 firearm is aimed toward the person against whom the
2 firearm is being used.

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

6 (3) (Blank).

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

11 (4.1) (Blank).

12 (4.2) Except as provided in paragraphs (4.3) and (4.8) of
13 this subsection (c), a minimum of 100 hours of community
14 service shall be imposed for a second violation of Section
15 6-303 of the Illinois Vehicle Code.

16 (4.3) A minimum term of imprisonment of 30 days or 300
17 hours of community service, as determined by the court, shall
18 be imposed for a second violation of subsection (c) of Section
19 6-303 of the Illinois Vehicle Code.

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

1 determined by court services.

2 (4.5) A minimum term of imprisonment of 30 days shall be
3 imposed for a third violation of subsection (c) of Section
4 6-303 of the Illinois Vehicle Code.

5 (4.6) Except as provided in paragraph (4.10) of this
6 subsection (c), a minimum term of imprisonment of 180 days
7 shall be imposed for a fourth or subsequent violation of
8 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

9 (4.7) A minimum term of imprisonment of not less than 30
10 consecutive days, or 300 hours of community service, shall be
11 imposed for a violation of subsection (a-5) of Section 6-303
12 of the Illinois Vehicle Code, as provided in subsection (b-5)
13 of that Section.

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

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

26 (4.10) A mandatory prison sentence for a Class 1 felony

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

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

9 (A) a period of conditional discharge;

10 (B) a fine;

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

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

20 (5.2) In addition to any other penalties imposed, and
21 except as provided in paragraph (5.3), a person convicted of
22 violating subsection (c) of Section 11-907 of the Illinois
23 Vehicle Code shall have his or her driver's license, permit,
24 or privileges suspended for at least 180 days but not more than
25 2 years, if the violation resulted in injury to another
26 person.

1 (5.3) In addition to any other penalties imposed, a person
2 convicted of violating subsection (c) of Section 11-907 of the
3 Illinois Vehicle Code shall have his or her driver's license,
4 permit, or privileges suspended for 2 years, if the violation
5 resulted in the death of another person.

6 (5.4) In addition to any other penalties imposed, a person
7 convicted of violating Section 3-707 of the Illinois Vehicle
8 Code shall have his or her driver's license, permit, or
9 privileges suspended for 3 months and until he or she has paid
10 a reinstatement fee of \$100.

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

19 (6) (Blank).

20 (7) (Blank).

21 (8) (Blank).

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

25 (10) (Blank).

26 (11) The court shall impose a minimum fine of \$1,000 for a

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

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

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

1 protocols set forth by the Illinois Department of Human
2 Services under such terms and conditions imposed by the court.
3 The costs of such classes shall be paid by the offender.

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

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

1 consider the safety and welfare of the victim and may impose a
2 sentence of probation only where:

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

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

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

11 (i) removal from the household;

12 (ii) restricted contact with the victim;

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

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

16 and

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

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

26 Probation may be revoked or modified pursuant to Section

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

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

10 (f) (Blank).

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

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

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

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

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

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

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

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

1 Code of 2012, any violation of the Illinois Controlled
2 Substances Act, any violation of the Cannabis Control Act, or
3 any violation of the Methamphetamine Control and Community
4 Protection Act results in conviction, a disposition of court
5 supervision, or an order of probation granted under Section 10
6 of the Cannabis Control Act, Section 410 of the Illinois
7 Controlled Substances Act, or Section 70 of the
8 Methamphetamine Control and Community Protection Act of a
9 defendant, the court shall determine whether the defendant is
10 employed by a facility or center as defined under the Child
11 Care Act of 1969, a public or private elementary or secondary
12 school, or otherwise works with children under 18 years of age
13 on a daily basis. When a defendant is so employed, the court
14 shall order the Clerk of the Court to send a copy of the
15 judgment of conviction or order of supervision or probation to
16 the defendant's employer by certified mail. If the employer of
17 the defendant is a school, the Clerk of the Court shall direct
18 the mailing of a copy of the judgment of conviction or order of
19 supervision or probation to the appropriate regional
20 superintendent of schools. The regional superintendent of
21 schools shall notify the State Board of Education of any
22 notification under this subsection.

23 (j-5) A defendant at least 17 years of age who is convicted
24 of a felony and who has not been previously convicted of a
25 misdemeanor or felony and who is sentenced to a term of
26 imprisonment in the Illinois Department of Corrections shall

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

1 be a person with a developmental disability or otherwise
2 mentally incapable of completing the educational or vocational
3 program.

4 (k) (Blank).

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

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

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

19 Otherwise, the defendant shall be sentenced as provided in
20 this Chapter V.

21 (B) If the defendant has already been sentenced for a
22 felony or misdemeanor offense, or has been placed on probation
23 under Section 10 of the Cannabis Control Act, Section 410 of
24 the Illinois Controlled Substances Act, or Section 70 of the
25 Methamphetamine Control and Community Protection Act, the
26 court may, upon motion of the State's Attorney to suspend the

1 sentence imposed, commit the defendant to the custody of the
2 Attorney General of the United States or his or her designated
3 agent 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 (C) This subsection (1) does not apply to offenders who
11 are subject to the provisions of paragraph (2) of subsection
12 (a) of Section 3-6-3.

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

23 (m) A person convicted of criminal defacement of property
24 under Section 21-1.3 of the Criminal Code of 1961 or the
25 Criminal Code of 2012, in which the property damage exceeds
26 \$300 and the property damaged is a school building, shall be

1 ordered to perform community service that may include cleanup,
2 removal, or painting over the defacement.

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

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

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